



**US Army Corps
of Engineers**®
Wilmington District

W. Kerr Scott Dam and Reservoir Shoreline Management Plan



2011

W. Kerr Scott Dam and Reservoir Shoreline Management Plan

The Wilmington District of the U.S. Army Corps of Engineers prepared this plan.

Written correspondences should be directed to: W. Kerr Scott Dam and Reservoir
U.S. Army Corps of Engineers
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Wilkesboro, North Carolina 28697

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Website: <http://www.saw.usace.army.mil/wkscott/index.htm>

Personal visits are welcome on Monday through Friday, from 8:00 a.m. until 4:00 p.m. Eastern Standard Time, at the Visitor Assistance Center located on Reservoir Road.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SOUTH ATLANTIC DIVISION, CORPS OF ENGINEERS
ROOM 9M15, 60 FORSYTH ST., S.W.
ATLANTA GA 30303-8801

CESAD-PDS-O

2 November 2010

MEMORANDUM FOR Commander, Wilmington District (CESAW-OP/Sattin)

SUBJECT: Approval of the Revised W. Kerr Scott Dam and Reservoir Shoreline Management Plan (SMP)

1. We have reviewed the subject SMP and find it to be in compliance with current US Army Corps of Engineers' shoreline management policies, regulations, and guidance, Encl.
2. The associated Environmental Assessment and subsequent Finding of No Significant Impacts were also reviewed and found to be in order.
3. The revised plan is hereby approved as submitted. I commend you and your staff, particularly the staff at W. Kerr Scott Dam and Reservoir, for the excellent work you have done in revising this plan. The result is a comprehensive and practical plan which will be a valuable tool enabling us to effectively accomplish our recreation and environmental stewardship missions.
4. Questions may be directed to Scott Strotman at (404) 562-5135.

FOR THE COMMANDER:

Encl



LESTER S. DIXON, P.E.
Director of Programs

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EXHIBITS

Exhibit 1	W. Kerr Scott Allocation Map
Exhibit 2	Application and Consolidated Permit for Shoreline Use
Exhibit 3	Consolidated Permit Conditions
Exhibit 4	Fee Schedule for Consolidated Permits Covering Shoreline Facilities/Activities
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Exhibit 6	Native Plant List
Exhibit 7	Transfer of Dock Ownership
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Exhibit 9	Approved Drawing of Private Floating Dock
Exhibit 10	Anchoring
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Exhibit 12	Electrical Utility Certification Statement
Exhibit 13	Approved Underground Electric Lines for Grandfathered Boat Lifts
Exhibit 14	Approved Pole Light Drawing
Exhibit 15	Approved Drawing of Typical Stairway
Exhibit 16	Boundary Line Markings
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SHORELINE MANAGEMENT PLAN W. KERR SCOTT DAM AND RESERVOIR

OBJECTIVES

This plan has been developed to define policies and regulations, and to provide guidance and information to the public specific to the effective management of the shoreline at W. Kerr Scott Dam and Reservoir. Objectives of the plan also include maintenance of the aesthetic and environmental characteristics of the reservoir for the full benefit of the general public. All management actions will seek to achieve a balance between permitted private uses and protection of natural and cultural resources for use by the general public. There are two types of written authorizations that cover private activities and facilities: the Consolidated Permit (referred to as “Permit” throughout this plan) and Specified Acts Permit (SAP). The types of private uses that may be granted on the shoreline via a Permit are described within the plan and include activities and/or facilities such as boat docks, utility right-of ways, improved walkways, underbrush removal, etc. The plan also describes minor activities that the SAP may authorize, such as the removal of dangerous trees. Additionally, the plan addresses shoreline allocations, rules, guidelines, and other information relative to the W. Kerr Scott Dam and Reservoir Shoreline Management Program.

POLICY

It is the policy of the Chief of Engineers to protect and manage shorelines of all Civil Works water resource development projects under U.S. Army Corps of Engineers jurisdiction in a manner that will promote the safe and healthful use of these shorelines by the public while maintaining environmental safeguards to ensure a quality resource for use by the public. Public pedestrian access to and exit from these shorelines shall be preserved. For projects or portions of projects where Federal real estate interest is limited to easement title only, management actions will be appropriate within the limits of the estate acquired.

In accordance with Engineer Regulation (ER) 1130-2-406, “Shoreline Management at Civil Works Projects,” Shoreline Management Plans will be reviewed at least once every five years and revised as necessary. When approved, this plan will become part of the W. Kerr Scott Dam and Reservoir Operational Management Plan. Shoreline Management Plans and Permits are subject to all applicable laws referenced herein, and amendments to same regulations, that may alter policy and implementation of the plan. The public was asked to review the updated Shoreline Management Plan during a review period and one public meeting occurred during this period.

HISTORY

W. Kerr Scott Dam and Reservoir is located in the northwestern portion of North Carolina on the Yadkin River, approximately 5.5 miles upstream from the twin towns of Wilkesboro and North Wilkesboro. The Flood Control Act of 1946 authorized the project which was included in the general plan for the improvement of the Yadkin/Pee-Dee River. After some modifications, based on studies conducted in 1953-59, the project was funded for construction in Fiscal Year 1960. Actual construction of the W. Kerr Scott Dam and Reservoir began in September 1960 under the direction of the U.S. Army Corps of Engineers. The project was completed in August 1962.

At normal pool the reservoir contains 1,470 acres of water. The normal reservoir pool and all fee-owned lands are within Wilkes County, North Carolina. The top of the flood pool extends upstream a short distance into Caldwell County, North Carolina. Approximately 726 acres were acquired during initial construction for public use and access areas. In addition, the shoreline area around the reservoir extending from normal pool level (1030' mean sea level "msl") up to the five-year flood elevation (1,047' msl) was purchased in fee and is available for public use. This fringe area contains approximately 697 acres extending along the 56-mile shoreline. The Chief of Engineers authorized an additional 861 acres of recreational lands for purchase on 17 April 1964. The final tracts of this acreage were purchased in July 1971.

The project is located within the inner belt of the Piedmont geologic province between the Blue Ridge and Brushy Mountain ranges. The general area is underlain by ancient metamorphic rocks of sedimentary origin, most of which belong to a broad geologic group known as the "Carolina Gneiss." The surface elevation in the watershed varies from 4,000 feet to the north of the valley floor (1,000 feet) and up to 2,260 feet to the south. The terrain in the immediate vicinity of the reservoir ranges from steep hills and wooded slopes to sheer rock cliffs in the river gorge sections above the main body of the reservoir.

W. Kerr Scott Dam and Reservoir contains 2,284 acres above elevation 1030' msl. Approximately seventy percent of this area (1,587) is devoted to Public Park and recreational use. The remaining 697 acres make up a fringe area that extends along the 56-mile shoreline. These 697 acres are primarily wooded areas and land usage is determined by allocations of designated shoreline areas.

The Shoreline Management Plan, dated February 1997, was used as the principle management document from its approval date until the adoption of this Shoreline Management Plan. While the 1997 Shoreline Management Plan became void upon adoption of this Shoreline Management Plan, it remains a useful reference in researching grandfathered permits and converting renewals under this plan. Table 1 below summarizes the changes between the 1997 Shoreline Management Plan and the 2010 Plan.

Table 1 – Summary of Major Changes

1997 Plan

Legal Access Statements allowed for purpose of applying for Permits.

Electricity for boat lifts/lights allowed per restrictions and certification.

Underbrushing area – 100’ in width allowed.

Shoreline Allocation Changes

Limited Development - 14 miles

Protected – 27 miles

2010 Plan

Legal Access Statements not allowed.

Electric boatlifts not allowed
Pole-lights allowed with limitations.

Underbrushing area – 50’ in width allowed.

Limited Development – 11.5 miles

Protected – 29.5 miles

SHORELINE ALLOCATION

This Shoreline Management Plan benefits adjoining landowners and ensures that the shoreline is maintained in a condition that can be enjoyed by future generations. An adjoining landowner or prospective landowner can use the plan as a basis for making decisions regarding possible use of Government property for certain authorized purposes and activities. In preparing this plan, consideration was given to limiting the number and locations of private exclusive use facilities in such a manner that these facilities would not be aesthetically distracting, unreasonably harmful to the environment, or limit the use of the shoreline by the general public. As an aid to obtaining this objective, a system for classifying portions of the shoreline has been developed. Under this system, the shoreline is divided into areas that are classified as being Public Recreation Areas, Protected Shoreline Areas, Limited Development Areas, or Prohibited Access Areas. These four shoreline areas have been physically marked along the 56-mile shoreline and color-coded on the shoreline allocation map in Exhibit 1. The following shoreline allocations have been made in consideration of Corps of Engineers policies and regulations and their relationship to the physical characteristics of the lake.

Table 2 -Summary of Shoreline Allocation

<u>Allocation</u>	<u>Miles Affected</u>	<u>% Total Shoreline</u>
Public Recreation	14	25%
Limited Development	11.5	21%
Protected	29.5	53%
Prohibited	< 1	< 1%

Public Recreation Areas

Public recreation areas are those areas designated for commercial concessionaire facilities, Federal, state, or other similar public use. No private shoreline use facilities and/or activities will be allowed within or near designated or developed public recreation areas. The term "near" depends on the terrain, road system, and other local conditions, so actual distances must be established on a case-by-case basis. No modification of landforms or vegetation is permitted in public recreation areas. (Public recreation area boundaries are shown in red in Exhibit 1)

Limited Development Areas

Limited development shoreline areas are those areas in which private facilities and/or activities may be allowed under a Permit. Modification of vegetation may be allowed only if a Permit is issued that specifically authorizes such activity. (Limited development areas are shown in green in Exhibit 1)

Protected Shoreline Areas

Protected shoreline areas are those areas designated to maintain or restore aesthetic, fish and wildlife, cultural, or other natural features in areas that are subject to excessive siltation, erosion, rapid dewatering, exposure to high wind, wave, current action, and/or in areas in which development would interfere with navigation. No Permits for floating or fixed recreation facilities will be allowed in protected areas. Some modification of vegetation by private individuals, such as clearing a narrow meandering path to the water, or cutting dead trees (see pages 24 and 27), may be allowed if the activity will not adversely impact the environment or physical characteristics for which the area was designated as protected. (Protected shoreline areas are shown in yellow in Exhibit 1).

Prohibited Access Areas

Prohibited access areas are those in which public access is not allowed or is restricted for health, safety, or security reasons. These could include hazardous areas near dams, spillways, hydroelectric power stations, work areas, water intake structures, etc. No Permits will be issued in prohibited access areas. (Prohibited access areas are shown in blue in Exhibit 1).

FLOWAGE EASEMENT LANDS

Intent of Acquisition

The Corps of Engineers holds a flowage easement over land located between the Government fee boundaries to elevation 1080' msl. In general, this easement specifically prohibits structures for human habitation and/or structures that may interfere with project

operations. Also in general, the easement requires that prior written permission be obtained from the Operations Manager (also referred to as Operations Project Manager) before any structure or facility can be placed on easement lands/waters. Restrictions on activities and construction within the flowage easement will ensure that the extent of the flowage easement estate is not compromised and that damage or danger to life and/or property is reduced. For each request concerning the construction of a private structure, the applicable flowage easement should be reviewed prior to granting or denying permission.

General Policy

- All structures suitable for human habitation, or that can be modified to accommodate human habitation, are prohibited.
- All structures that interfere with project purposes (flooding) are prohibited.
- Any structure that could be severely damaged or destroyed in the event of flooding is prohibited.
- Placement of materials or substances that may cause harm to people, water quality, or the environment during a flood event, or at anytime, is prohibited.

Prohibited Structures and Activities

- Structures for human habitation as mentioned above.
- Structures with enclosed sides
- Wells and well houses.
- Camping units, motorhomes, camping vans, or any other temporary means of human habitation.
- Attachments to houses such as: sun decks, steps, and basements.
- Electric lines without a proper Corps of Engineers utility Permit and electrical certification.

Activities on Easement Lands That Require Permission

- Landscaping & flower beds
- Removal of vegetation
- Fences, picnic tables, satellite dish, grill, and dogpens.
- Grading

Structures and Activities Allowed with Letter of Consent

- Septic systems: The Corps may allow the placement of a septic system or any of its parts or elements within the Corps of Engineers' flowage easement if the system, parts, or elements does not adversely affect the flowage easement or Corps of Engineers operations; the system, parts, and/or elements comply with all applicable federal, state, and local laws and regulations; the appropriate local Health Department issues a permit for the septic system, parts, or elements on land within the Corps of Engineers' flowage easement; and the owner of the septic system, its parts and/or its elements accepts responsibility for meeting all applicable water quality standards in the operation of the septic system, parts, or elements.

- Open-sided structures

- Gazebos

Filling and Construction on Easement Lands

Filling or construction on easement lands utilizes space allocated for the storage of floodwaters. Proposed earth-moving operations, including dredging or construction on these lands, must be reviewed by the Corps of Engineers to determine effects on flood storage, wetlands and erosion. The Operations Manager must be contacted for written permission before proceeding with these activities. A general requirement is that there is no net loss of water storage space at any given elevation.

ABANDONMENT OF PRIVATE PROPERTY

The Code of Federal Regulations (C.F.R.) at 36 C.F.R. § 327.15 prohibits the abandonment, storage, or leaving of unattended personal property on the land or waters of W. Kerr Scott Dam and Reservoir that is not covered by a Permit. After a period of 24 hours, unattended personal property shall be presumed abandoned and may be impounded and stored at a location designated by the Operations Manager. The Operations Manager may collect a reasonable impoundment fee before the impounded property is returned to its owner. After a reasonable period of time, impounded lost and found property will be disposed of in accordance with the regulations.

SHORELINE TIE-UP OF VESSELS

Temporary shoreline tie-up is defined as the intermittent moorage of private watercraft along the shoreline during a period of recreational activity. This practice will be allowed as long as a conflict of use does not develop and the tie-ups last no more than a three-day period with owners maintaining constant supervision over their vessels. Watercraft owners are encouraged to contact the local marina for extended moorage or apply for a dock. Mooring buoys are not allowed.

CONSOLIDATED PERMIT

Requirements

A Consolidated Permit is the instrument used to permit docks, utility right-of-ways, and all other private activities and facilities on lands and waters owned by the U.S. Government at W. Kerr Scott Dam and Reservoir, and will be referred to as Permit throughout this plan. A sample application for a Permit and Permit Conditions are shown in Exhibits 2 and 3. These activities and facilities include, but are not limited to:

- Vegetation modification
- Erosion control
- Placement of floating and land-based facilities.

Permits are issued for a period of five years. All permitted facilities must be constructed and in place within twelve months of Permit issuance or the Permit is considered terminated. If terminated, a new application must be submitted and new fees paid. If facilities are installed, within the one-year requirement, the term will be for five years. Permits contain general terms and conditions that are uniformly applicable to all Permits issued (Exhibit 3). However, unique circumstances and problems may require the establishment of additional terms and/or special conditions. All applications for Permits on the reservoir are subject to approval by the Operations Manager. Requests for activities not specifically addressed in this plan must be submitted in writing to the Operations Manager for review.

Applicant

Applicants must be at least 18 years of age and meet access requirements. Applicants must attend in person an on-site meeting to establish the exact location of all permitted facilities/activities. Applications cannot be accepted through a second party. Executors of deceased permittees may act on the estate's behalf if they provide a valid Power of Attorney.

Permit Conditions

Issuance of a Permit does not convey any property rights or exclusive use rights to the permit holder and are separate from any adjacent real estate issues, lot sales, or subdivision covenants. Permits are non-transferable and become null and void when:

- Both the permittee and his/her legal spouse are deceased. Surviving spouses are automatically recognized as the Permit holder.
- Sale of adjacent private property, whereby the permittee no longer has legal access.

- It is deemed necessary by the District Engineer for higher needs of public use or safety.
- Non-compliance with terms and conditions of issued Permit.
- Expiration of current Permit: Permits are not subject to automatic renewal and all Permits will be evaluated prior to any re-issuance of the Permit. Renewal is based on current regulations, prior compliance status of Permit holder, and the need to correct any actions of non-compliance. Should renewal be delayed due to non-compliance and subsequent issues, the Permit is post-dated back to the original expiration date once resolved.

Permit Fees

Fees will be collected for specific permitted activities and facilities prior to the issuance of a Permit. A current fee schedule is found in Exhibit 4. Fees are to be mailed or delivered in person to the W. Kerr Scott Visitor Assistance Center (see Exhibit 5 for address) along with the necessary application and required documentation.

Access for Inspections

Issuance of a Permit constitutes approval by the permittee for Corps personnel on official business to cross their private property to gain access to Government property. Purposes for access include determination of compliance with Permit terms and conditions.

Corps of Engineers Liability

The Corps of Engineers assumes no liability or responsibility for the safety of individuals engaged in any activity associated with private facilities authorized by the Permit on Government property. The permittee assumes full liability and responsibility for the safe conduct of the activity and must assure the safe condition of any Permitted structure.

Private and Public Use

The dock and floating walkway are considered private personal property and only authorized Corps personnel, or those authorized by the owner, can use or occupy this floating facility. Government owned lands and waters adjacent to the dock and other permitted facilities must remain accessible for public use.

Non-Compliance

All Permits are issued and enforced in accordance with the provisions of 36 C.F.R. part 327. Failure to obtain the proper Permit or noncompliance with any of the terms and conditions, general or special, may result in termination and removal. Additionally, the issuance of a Violation Notice and /or restitution for damages for non-compliance may subject the violator to a fine of not more than \$5,000.00 or imprisonment for not more than six months or both in accordance with 36 C.F.R. § 327.25.

Procedures

Procedures for obtaining Permits are found in Exhibit 5.

Access Requirements

Applicants for a Permit must submit a deed, verifying that they own land with a common boundary with Government property. A plat map must be submitted showing the dimensions and corner pins of the private property adjacent to Government property. Interior property owners may use dedicated access ways within their subdivision to obtain Permits. Proof that they have this legal right must be provided in writing. Granting legal access to someone by the adjacent landowner is no longer allowed for the purpose of obtaining a future shoreline Permit.

PRIOR COMMITMENTS AND GRANDFATHERED FACILITIES

Prospective adjacent property owners should not assume that activities being permitted to the present adjacent owner will be allowed to continue. Many facilities or activities are grandfathered only to the present permittee as prior commitments before the establishment of this plan. New and prospective adjacent property owners should contact the Operations Manager for information on a authorized shoreline uses and permitting procedures.

In general, permits that were issued under and meet the requirements of a past Shoreline Management Plan but do not meet the current Shoreline Management Plan will be considered as prior commitments and placed under a “Grandfather Clause.” However, as explained below, special provisions apply for docks and developed lawns to be grandfathered. These facilities may remain as long as the holder of the Permit is in compliance with the terms and conditions of the existing Permit. These facilities must be maintained in a safe and structurally sound condition and may remain as permitted until a transfer of ownership occurs or the death of the permittee and his/her legal spouse. At this time, the Permit becomes null and void and the grandfathered facility must be removed. Any adjacent landowner applying for a Permit must be in compliance with the current Shoreline Management Plan.

Grandfather Clauses are sometimes confusing to the general public in shoreline management related activities at W. Kerr Scott Dam and Reservoir. To reduce these problems, and to improve public awareness and administrative efficiency, a gradual phase-out is planned for these activities. Phase-out of grandfather facilities and activities will be accomplished as follows:

Docks and Associated Structures

Docks legally permitted prior to the 1997 Shoreline Management Plan and located in areas other than Limited Development Areas will be considered "Grandfathered." Grandfathered floating facilities will be allowed to remain as Permitted in their present locations in accordance with 16 U.S.C. § 460d, Public Law 99-662, Section 1134 (d),

except where necessary for immediate use for public purposes, or higher public use, or for a navigation or flood control project. This law prohibits the forced removal, on or after December 31, 1989, of the previously authorized docks and appurtenant structures which were in place on November 17, 1986, providing the following conditions are met:

- Such property is maintained in usable and safe condition,
- Such property does not occasion a threat to life or property, and
- The holder of the Permit is in substantial compliance with the terms of the Permit.

Land-based Facilities

All authorized land-based facilities, such as steps, walkways, and utility lines, permitted prior to this plan and located in areas other than Limited Development, are considered "grandfathered." Land-based facilities must be removed at the expense of the permittee should the Permit be terminated for any reason.

Vegetation Modification

Due to significant changes in the terms and conditions of Permits issued in the past, many old Permits issued before this plan are "grandfathered." This condition will remain as Permitted until a transfer of ownership occurs or the death of the permittee and his/her legal spouse. The new owner applying for a Permit must conform to the current Shoreline Management Plan.

Mowed Lawns

No new development of lawns is permitted. Existing lawns that were authorized to be developed prior to the 1997 Shoreline Management Plan will be "grandfathered" as long as they meet the requirements outlined in earlier versions of the Shoreline Management Plan. This allows certain mowing activities to occur legally on public lands. All persons legally mowing Government property are required to have a Permit authorizing such mowing. These activities will remain permitted until a transfer of ownership occurs or the death of the permittee and his/her legal spouse. The new owner applying for a Permit must conform to the current Shoreline Management Plan.

When ownership changes occur on a adjacent private property, reforestation and regeneration will occur in these mowed open areas. Mowing will no longer be permitted in these areas. These areas will be gradually converted to their natural vegetative state by planting and through natural regeneration. As the landowner and steward of these lands, the U.S. Government may at any time plant trees and vegetation to reestablish natural areas. If any permittee wishes to plant vegetation, they will need to obtain prior approval from the Operations Manager. Only native materials will be considered for planting on Government property. See Exhibit 6 for a list of approved species.

OFF-ROAD VEHICLE USE

The operation of vehicles, including but not limited to: automobiles, trucks, motorcycles, mini-bikes, all terrain vehicles, golf carts, 4-wheelers, ATV's, utility and lawn tractors, etc., are prohibited on the shorelines of W. Kerr Scott Dam and Reservoir with the exception of:

- Vehicle use on public lands with prior approval from the Operations Manager to place riprap or other materials for erosion control will be allowed. In special situations, and on a case-by-case basis, the Operations Manager may allow temporary vehicle access on public lands.
- Golf carts and slow-moving utility tractors will be allowed on permitted improved walkways for the purpose of transporting repair or construction related supplies, equipment, and handicapped persons to the shoreline. Unauthorized vehicular traffic on a walkway may result in the termination of the Permit.
- Riding lawn mowers on a permitted "grandfathered" lawn area.

Operation of any vehicle through, around, or beyond a restrictive sign, recognizable barricade, fence, or traffic control barrier, and/or off an authorized road, is prohibited unless authorized in writing by the Operations Manager.

ACCESS REQUIREMENTS FOR OBTAINING PERMITS

General

- All persons applying for a new Permit must have direct access to Government property and must provide a recorded deed showing adjacent ownership. From the point of legal access, the distance to the dock site will be no longer than 500 feet.
- A recorded plat of the adjacent private property, with dimensions of ownership, clearly delineated, must be furnished for inclusion in the Permit application.
- Public roads do not constitute legal access. However, in situations where a public road and public land have a common boundary, adjacent landowners along this road/boundary may be considered as having access.
- In subdivisions where a dedicated easement or access corridor provides legal access to public lands and waters for all subdivisions landowners, the access corridor will be considered a legal access for applying for Permits. Spacing for community docks and other permitted facilities may be reserved at these dedicated public access corridors if requested by the sub-division's recognized homeowner association.
- Legal access statements are no longer a valid form of access for the purpose of issuing new Permits. Permits already obtained utilizing this access method will

be honored until such time that the permittee loses this right or the Permit is terminated for any reason. These Permits cannot be re-issued to any new applicant.

PRIVATE INDIVIDUAL FLOATING FACILITIES

General

- Docks are the only permitted floating facility. Buoys and fixed pier structures are prohibited. All future and existing facilities are subject to the terms and conditions of the Permit. New applications for floating facilities will be accepted only in Limited Development Areas. New floating facilities shall not be placed on the lake until the application has been approved, fees paid, and a shoreline marker is posted by a ranger. Applications will be submitted to the Operations Manager following the procedures set forth in Exhibit 5.
- When a permittee wishes to renew an expired Permit, Corps personnel will inspect the facility. A new Permit application form must be submitted by the permittee along with the appropriate fee.
- Upon sale of a permitted facility, the new owner must make application for a new Permit and must pay the full fee before a Permit is issued. Permits and fees are nontransferable. Permits become null and void upon sale or transfer of the permitted facility or the death of the permittee and his/her legal spouse. Only one floating facility Permit will be issued per family household. Ownership of more than one lot adjacent to public land will not form an exception to this policy. The previous owners should provide the new applicant with a transfer of dock ownership statement. See Exhibit 7.
- Use of boat docks will be limited to vessel watercraft mooring and storage of gear, essential to vessel or watercraft operation. Personal property located on the dock should be kept to a minimum and not restrict safe use of the facility. Docks should not be utilized for excessive storage of personal property or environmental hazards.
- Private floating dock facilities shall not be constructed or used for human habitation or in a manner which gives the appearance of converting Government property on which the facility is located to private, exclusive use. New docks with enclosed sides (i.e. boathouses) and roof decks are prohibited.
- Permitted facilities must be operated, used and maintained by the permittee in a safe, healthful condition at all times. If determined to be unsafe, the Operations Manager will establish together with the permittee a schedule, based on the seriousness of the safety deficiency, for correcting the deficiency or having it removed, at the permittee's expense. The applicable safety and health prescriptions in Engineer Manual (EM) 385-1-1, "Safety and Health Requirements" (3 Nov 03; 15 Nov 08 changes) shall be used as a guide.

- Docks that require paint/stain maintenance must be removed from project lands prior to beginning work. Docks may not be scraped or painted while on project lands/waters.

Location and Spacing

Unless grandfathered, floating facilities will only be allowed in shoreline areas allocated as Limited Development. Dock locations must be within 500' of where the permittee has legal access to Government property. Newly approved facilities, to the greatest extent possible, will be placed directly in front of the area where the applicant and Government share a common boundary. The Corps of Engineers will determine the exact location with consideration being given to the allocation of space for future applicants. The Corps of Engineers will also evaluate the exact dock location based on suitability characteristics (such as sufficient water depth, safety and navigational concerns) before approving the final site.

A new floating facility must be located at least 100 feet from all other facilities at normal lake elevation. This measurement is taken from the center of the dock gangway along the shoreline at 1030' msl to the next gangway. In addition, docks must be located 50 feet across the water to the next facility. For navigational purposes, the entire floating structure cannot extend more than 1/3 of the total width of a cove at normal pool elevation. This spacing provides a buffer area for boat maneuverability, water level fluctuations, and public safety. Docks placed in incorrect locations will be moved to the proper location by the permittee at the owner's expense.

Standards for Docks

All plans for new docks, and modifications to existing docks, including gangways and any other changes, must be submitted to and approved by the Operations Manager prior to any construction or modifications.

➤ **Plans**

- Applicant must submit plans for the type and size of dock they wish to build.
- Plans must be a standard Corps of Engineers approved plan, certified by a registered engineer; or an approved plan used by a reputable dock construction firm on file with the Corps of Engineers.
- Dock plans will include engineering details, structural design, anchorage method, type of flotation, and construction material.

➤ **Size Requirements**

- The minimum, allowable size of private floating facilities is 80 square feet, excluding gangways.

- The maximum deck space for all docks without slips will be 280 square feet, excluding gangways.
- The maximum deck space for boat docks with slips, regardless of design, cannot exceed 650 square feet including the slip area and excluding gangway.
- Minimum width of slip fingers and center walks on docks is 4 feet.
- Two-story structures, sidewalls, and sundecks are prohibited.
- Sloping roofs for protection of boats will be allowed. (No walls)
- The Operations Manager must approve all docks that deviate from the approved drawing shown in Exhibits 8 and 9 before being placed on the lake.

Materials

- All structural material, decking, nails, bolts, nuts, washers, etc., must be a type designed for aquatic use.
- All decking must be constructed from pressure treated boards, wood/plastic composite or other pre-approved long-lasting material.
- All surfaces must be free of protruding nails. Decking boards must be attached using deck screws (no nails).
- Matting (including carpet) will not be permitted on boat docks.
- Only metal roofs are allowed on docks. Color of roof must be approved by the Operations Manager. Shingle roofs are not allowed.

Flotation Materials

Flotation for docks must be made of approved materials and manufactured for marine applications. On all new docks, flotation must be of materials that will not become waterlogged, not over 1-1/2 percent by volume according to the American Society for Testing and Materials (ASTM), is resistant to damage by animals, and will not sink or contaminate the water if punctured. Flotation material used in the construction of docks or buoys must meet the criteria listed below:

- No metal-covered or injected drum flotation.
- Foam bead flotation, not subject to deterioration through loss of beads, meets the above criteria and has a minimum density of 1.2 lb/cu. ft.
- Foam bead flotation with a density of 1.0 lb/cu. ft., not otherwise meeting the above criteria, is authorized, provided it is encased in an approved protective coating which meets specifications above. An approved coating is defined as

warranted by the manufacturer for a period of at least eight years against cracking, peeling, sloughing, and deterioration from ultra violet rays, while retaining its resiliency against ice and bumps by watercraft.

- Existing unapproved flotation will be authorized to remain until it has significantly deteriorated and is no longer serviceable or capable of supporting the structure, at such time it must be replaced with approved flotation.

Standards for Gangways

- Gangways must connect docks to the shoreline and cannot be severely slopped so as to promote slipping and falls. Gangways should have not more than 2 foot rise from dock to shore. If so, hand rails and foot supports are required.
- Unless poor site locations or unsafe conditions exist, gangways shall not exceed 40 feet in length. Prior approval must be granted to extend beyond this 40 foot limit.
- Gangways will be 48 inches to 60 inches in width.
- Handrails will be allowed on gangways.
- When connecting gangway sections together or connecting gangways to boat docks, all movable joints will have no more than a 2-inch space between them.
- For navigational purposes, the entire floating structure cannot extend more than 1/3 of the total width of a cove at normal pool.

Anchoring

- All boat docks must be physically attached to the shoreline utilizing either a single gangway attached to guide poles with steel cables or chains and/or a 3' x 6' anchor pad and/or steel cables to pins on the shoreline.
- Cables will not be attached to trees or any other type of vegetation.
- Cables will be attached to pins anchored to the shoreline above elevation 1030' msl. Cables must not pose a tripping hazard. Excessively long cables will not be allowed.
- Approved concrete anchor pads will be authorized to secure guide poles and gangways to the shoreline as shown in Exhibit 10.
- Size and location of concrete pads must be approved prior to installation.
- Concrete anchor pads cannot have more than one step in its construction and not exceed 3' x 6'.

- Concrete anchor pads must be cast and cured above 1030' msl and cannot extend into water beyond the shoreline.
- Spud poles may be approved on a case-by-case basis.

Storage Compartments

- Storage compartments on boat docks will be a maximum of 4 feet high.
- Storage compartments will not exceed 24 square feet of deck space.
- The storage compartments must be bolted to the dock
- Storage compartments must be constructed of pre- approved material.
- Location of storage compartments must be approved prior to installation.
- Location must allow safe walkway space on dock.
- Fuels, chemicals, or other environmental pollutants are not allowed.

Reflectors

- Docks are required to have at least four 3" x 3" international orange reflectors or the equivalent.
- Orange reflectors are to be placed on each side of the dock visible to boat traffic. (See Exhibit 9)

Boat Lifts

- Grandfathered Electric Lifts

Prior to this plan, some electric motor lifts were approved in conjunction with approved electric lines. These lifts are considered grandfathered until transfer of ownership at which time they must be converted to solar power.

- Solar Power for Boatlifts and Lighting

Upon approval of this plan, new lifts must either be solar and/or battery powered or air assisted boat lifts. Solar panels may also support lighting on docks.

- Lift Attachments

Boatlift attachments may be placed on docks. However, the lifts cannot cause the dock size to exceed maximum dimensions. Grandfathered electrical AC motors associated with boatlifts may be permanently fixed to the dock, per manufacturer's specifications.

- All wiring must be certified by a licensed electrician to meet the National Electric Code as found applicable for marina installation. A certification statement is required at initial installation, at each renewal of the Permit, and when repairs or modifications are made to any part of the electrical system.
- Wiring is connected directly into the boatlift motor with no breaks for receptacles, lighting, or other electrical connections.
- No permanent electrical connection from the dock to shore.
- The electrical service on shore must be protected by a Ground Fault Circuit Interrupter (GFCI) breaker.
- There must be a manual disconnect with a red light at the house and on a post near shoreline with the special disconnect plug on gangway.
- All light fixtures and receptacles must be at least 2 feet above elevation 1080' msl.

Prohibited Installations on Docks

- Installation of slides, swimming and diving platforms, and diving boards are prohibited.
- AC electric pumps, electric motors (except as part of grandfathered electric boat lifts), low voltage lighting, electric lines, cords, receptacles and other electrical devices may not be attached to docks.
- New electric powered boatlifts are prohibited. However, solar powered boatlifts may be permitted.
- Batteries not associated with solar lifts are prohibited.
- All flags or banners are prohibited with the exception of the current United States Flag or Official State Flag.

COMMUNITY OR MULTI-OWNERSHIP DOCKS

Use of community docks is encouraged to reduce the proliferation of individual moorage facilities. Community docks will be subject to the same shoreline allocation requirements and associated fees as stipulated for individual facilities. Permits authorizing community moorage facilities will be considered when it has been determined that there is a need for moorage in a particular area, access to the area is available, and an appropriate site location exists for community mooring. Community docks will be considered in areas that do not conflict with commercial marina services, public launching facilities, or other access points.

Applicant

A written document must be provided to include the names, addresses, signatures of the individual members, and any other pertinent information relating to the proposed community dock. This document must designate an association member who will sign the Permit. To be considered a community dock, the community dock facility must include a minimum of 3 slips and must not exceed 20 slips. This is done to prevent the loss of practical use of shoreline distance and maximize the allowance for individual docks. However, if the housing association can identify the potential use of shoreline in its housing development design, and group access is established, then a section of shoreline can be held for the community dock purpose until such a reasonable time as determined by the Operations Manager that the likelihood of the community dock will not be established without the minimum number of applicants available. Exceptions to this minimum number of applicants may be allowed. For example: physical landforms or lack of water depth prevents the spreading out of individual docks in lieu of a community dock.

Size of Facility

The maximum number of slips allowed for any one community floating facility is 20 slips. A slip is defined as a mooring opportunity for one vessel. End and side moorings will be included in the total number of slips, which may be approved. The combined area of the first two slips cannot exceed 1225 square feet. Each additional slip cannot exceed 500 square feet. A actual size of the facility may be reduced by the availability and suitability of the area, as determined by the Operations Manager.

Access

Each slip owner must have legal access to the community dock. The Corps of Engineers may require a recorded deed and plat showing the common access for association members.

Construction Criteria

Plans showing the details of construction and the location of the facility within the Permit area must be submitted along with the application. Construction requirements will be the same as those outlined for private floating facilities with the exception of allowing an anchoring bulkhead. Plans must show the dock configuration and maximum number of slips proposed. Installation may, however, be accomplished in phases. Gangway and center walkway widths may vary from a minimum of four feet to a maximum of six feet. Slip fingers cannot be less than four feet in width. Approval of plans will be required prior to the placement of mooring facilities on the reservoir. No deviation or change from approved plans will be permitted without prior written approval.

Maintenance of Facility

Permitted facilities must be operated, used, and maintained in a safe, healthful condition. If determined unsafe, such facilities will be corrected within 30 days, or removed at the owner's expense. A new Permit may be considered when the current Permit expires or when ownership of the adjacent private property, to which the Permit is assigned, changes. Permit issuance requires the applicant to certify in writing that all Permit facilities and activities are, and will be maintained, in accordance with Permit conditions. Random field inspections will be conducted by the Corps personnel to verify compliance. Violations of the terms and conditions of the Permit and/or actions inconsistent with 36 C.F.R. part 327 may result in the issuance of a Violation Notice requiring payment of a fine or an appearance before a U.S. Magistrate, restitution, revocation of all or part of the Permit and/or may result in a moratorium on public land preventing consideration of any new Permits until compliance and/or restoration has been achieved to a condition satisfactory to the Operations Manager.

Spacing Requirement

A minimum of 200 feet spacing is required between and on each side of a community dock of 10 slips or less. On community docks exceeding 10 slips, a minimum spacing of 300 feet on each side is required.

Offshore Moorage

Offshore anchoring or moorage will not be permitted in conjunction with a community dock facility.

Special Conditions of Community Floating Facilities

The designated representative shall sign a statement certifying that the regulations and conditions covering the issuance of the Permit have been read and understood. The applicant should be aware of the following special conditions prior to approval of a community dock:

- The term of the Permit will not exceed five years.
- The name, address, and phone number of a person designated by the association that will provide 24 hour surveillance of the dock, and receive correspondence from the Corps of Engineers, must be supplied. The Operations Manager must be advised of any changes in this designee.
- Community dock members must allow all other individuals having legal access to the facility to join its membership until such time that all slips become occupied. Only boats owned by association members may be moored at the facility. One boat slip is allowed per family household.

- The Corps of Engineers shall not be held responsible for damage to any property or injuries to any person or persons which may involve the facility authorized under this Permit.
- Commercial activities of any kind are prohibited.
- Vessels or other watercraft, while moored in the facility, may only be used for overnight occupancy when such use is incidental to recreational boating. Vessels or other watercraft are not to be used as a place of habitation or residence.
- The permitted facility shall be subject to periodic inspection by Corps personnel. If an inspection reveals conditions causing pollution of public lands or water or conditions which make the facility unsafe in any way or which deviate from the approved application and plans, such conditions will be corrected within 30 days by the permittee upon receipt of notification.
- The construction and operation of the permitted facility shall not unduly obstruct or inhibit the free public use of the shoreline.
- Operation of the facility shall be conducted in accordance with all Federal, state, and local laws and regulations.
- The operation of the permitted facility shall in no way be discriminatory against any person or persons because of sex, race, creed, color or national origin. Any person owning or holding a long-term interest in residential property in the subdivision/association shall be eligible for moorage privileges at the Permitted facility.
- Dock plans conforming to requirements are to be approved by the Operations Manager.

LAND-BASED SHORELINE USES

General

A Permit for certain land-based facilities may be granted to applicants having legal access to Government property along shorelines allocated as Limited Development. However, facilities placed on flowage easement lands must be installed according to all applicable Governmental laws, regulations, codes, and consents. Installation must also comply with easement rights and privileges acquired by the Corps of Engineers.

Special Conditions

The following special conditions apply to all land-based facilities:

- The Operations Manager will deny, designate and/or approve the facility location to minimize any adverse effects on Government property.
- The facility must be installed within one year from the date in which the Permit was granted. Within (15) days after installation, the Operations Manager must be notified so that an inspection of the facility can be scheduled.
- No work shall take place on Government property prior to the issuance of a Permit.

Electric Utility Lines

All land based electric lines located on Government property and/or on easement lands requires a Permit or a Real Estate Consent. Electric lines may be used for pole lights and grandfathered electric boat lifts only. Specifications are listed below:

- All new electric lines must be installed underground. (See Exhibits 11-14). A copy of an Electrical Utility Certification Statement, (Exhibit 12) must be signed by a National Electrical Code certified, licensed electrician and provided to the Operations Manager within fifteen (15) days after installation (See Exhibit 11). A certification statement is required at initial installation, at each renewal of the Permit, and when repairs or modifications are made to any part of the electrical system. This signed statement certifies that all conditions and requirements have been met per this plan.
- Electrical systems cannot exceed 120 volts and shall have Ground-Fault Circuit Interrupter (GFCI) protection at the circuit breaker box on private property at least 2 feet above elevation 1080' msl. Installation and materials must meet the minimum standards as described in the National Electrical Code (NEC) for outside, wet locations.
- All overhead light fixtures and receptacles must be located at least 2 feet above elevation 1080' msl and may be impractical in some locations.
- All outdoor fixtures and receptacles must be approved for outside, wet locations. Wiring may not be attached to trees or extend onto any floating facilities unless related to a grandfathered, approved boat lift. All above ground wiring must be fully enclosed in conduit and boxes approved for outside, wet locations. Exposed splices are not allowed.

- A master cutoff switch must be installed on the permittee's private property at least 2 feet above elevation 1080' msl and located outside of dwelling. This switch must be kept in the "OFF" position, except when the owner or guest is present. There must be a manual disconnect with a red light at the house and on a post near shoreline with the special disconnect plug on gangway.
- All poles must be metal, treated wood, or commercially built poles and located at least 25 feet apart. Pole light fixtures must be located at least 2 feet above elevation 1080' msl. Poles are not to be located below 1030' msl.
- Electric lines within the flood easement lands must have a written consent or be covered under a Permit. The permittee is responsible for obtaining local Permits necessary for that portion of the line installed on private property.
- Electrical pumps and motors are not allowed on Government lands with the exception of grandfathered portable boatlift pumps.
- All underground wiring must be installed a minimum of 18 inches and the cut must be backfilled and seeded to blend in with the natural setting to prevent erosion.
- Electric related lines that were installed as directed under previous Shoreline Management Plans and meet current Federal, state, and local safety regulations will be grandfathered. Those that are not permitted or in compliance with current safety standards must be removed immediately.

Improved Walkways and Steps

All improved walkways and steps providing access across Government or easement lands require a Permit or consent. The use of materials, natural or man-made, for the purpose of delineating a pathway or improving access is defined as an improved walkway. Unless a Permit is re-issued to another party, all walkway and step improvements will be removed from Government property at the expense of the permittee upon termination of the Permit. Walkways and steps authorized on Government property are subject to the conditions listed below:

- The walkway is not to exceed five feet in width. However, if the walkway is associated with a community floating facility the walkway may be wider as approved by the Operations Manager. Walkway and step Permits are available for the purpose of providing a safe access to reservoir waters and to docks. Walkway facilities are not to include sitting decks or landings.
- Although some concrete and asphalt walkways have been grandfathered, this practice is no longer allowed. Exceptions may be granted to individuals with a walking disability and requiring a substantial walkway to accommodate a wheelchair. Persons with disabilities requesting this exemption must live in the permittee's residence and furnish the Operations Manager a "Certificate of Disability" or letter from a physician. Grandfathered concrete walkways can be

re-assigned to a new landowner, but must be replaced with an approved non-concrete design when it deteriorates to the point of requiring replacement. If stepping-stones are utilized, they must not exceed six square feet in size to facilitate easy removal upon termination of the Permit.

- Steps and walkways must follow a route that takes topography into account.
- Permitted walkways and steps cannot be physically attached to any private dwelling. There must be a separation of at least three feet. Structures extending across the boundary line from private dwellings are considered encroachments. The Operations Manager may also designate several breaks in handrails and walks to facilitate lateral pedestrian access.
- Detailed plans for construction of steps or walkway will be required (See Exhibit 15). All carpentry and construction must meet all state and local codes. All lumber must be commercially pressure treated and approved for outdoor ground contact use.
- Natural unimproved pathways not causing any detriment to the environment do not require a Permit. Natural unimproved pathways causing erosion or detrimental effects on the environment will be placed under a footpath Permit for corrective action and monitoring.
- Walkways cannot be used for vehicular traffic, including off-road vehicles, all terrain vehicles, motorbikes, and other similar motorized equipment. However, golf carts and small slow-moving utility tractors will be allowed on improved walkways for the purpose of transporting repair and/or construction supplies, equipment, and persons with disabilities to the shoreline with written permission from the Operations Manager. Unauthorized vehicular traffic on a walkway may result in the termination of the Permit.
- The permittee cannot restrict the general public's use of any walkway or steps located on Government property.

Water Utility Lines

Underground water utility lines located on Government property must be permitted and are subject to certain specific conditions listed below:

- All raw water utility lines require an anti-siphon device.
- Showerheads are not permitted for health reasons.
- Electric pumps and motors cannot be placed on Government property. Location and type of pump placed above Government Property for the purpose of removing water from the reservoir must be noted on the application. Pumps cannot exceed two horsepower.

- The location of underground lines requested by the permittee must be designated by the Operations Manager to minimize the impact on Government property and other Permits issued in the area. All new permanent water utility lines, and those existing being renovated, must be placed underground for the purpose of reducing conflicts with other uses of public land. Cuts for underground lines must be backfilled and seeded.
- Water line must be 2" in diameter or less.

Miscellaneous Utility Lines

Miscellaneous utility lines may be permitted on a case-by-case basis. This may include the underground installation of airlines to facilitate the operation of boatlifts.

VEGETATIVE MODIFICATION

See Exhibit 3 for Permit Conditions relating to vegetative modification and Exhibit 4 for current fees.

Underbrushing

Underbrushing is defined as the selective cutting and continued control of woodland understory vegetation (weeds, vines, briars, etc.) and the thinning of tree saplings, as stipulated in the terms of the Permit. Permits for removal of underbrush are allowed on shorelines classified as Limited Development, and in special circumstances in areas classified as Protected Shoreline. Regardless of the shoreline classification, the Operations Manager may add special restrictions to the Permit to protect environmental features such as cultural resource sites, highly erodible slopes, or unique vegetative species. Adjacent property owners are encouraged to maintain a natural undisturbed buffer along the shoreline between the 1030' msl and 1035' msl. The following specific conditions or terms apply to all Permits authorizing underbrushing:

- Underbrushing can be authorized to adjacent landowners or renters having legal access to the Government property covered under the Permit. Generally, only one underbrushing area per individual will be authorized. However, more than one area may be allowed, provided it is associated with a permit.
- Upon approval of this plan the maximum Permit area size limit of a new underbrush area is limited to a width of 50 feet. Generally this area runs 25 feet on either side of the dock location. The underbrush area will be marked in the field by the ranger using paint spots or markers. All existing underbrushing areas currently larger than the 50-foot width requirement issued prior to this current plan will be grandfathered until a change in Permit holder occurs.

- The Corps of Engineers reserves the right to re-vegetate the shoreline when tree spacing falls below acceptable minimum stocking levels of one tree, of any diameter, every 15 feet on center. This might occur in the case of timber encroachments, insect and disease attacks, fire, storms, or other natural disasters. These events may require the planting of vegetation and trees within the designated underbrushing area. If plantings occur, the permittee is required to protect these trees from future cuttings.
- New underbrush areas established after the approval of this plan require that native trees, seedlings, or saplings be maintained at a spacing of no less than 15 feet on center regardless of tree diameter. If tree stocking falls below this minimum level, additional trees will be established. This will occur by planting or through natural regeneration.
- Under no circumstances will native ornamental trees or shrubs be cut without prior approval of the Operations Manager. Native ornamental vegetation is defined as dogwood, holly, redbud, wild azalea, rhododendron, mountain laurel plus any species determined to be threatened or endangered by Federal or state agencies.
- Cutting of healthy trees to obtain a view is prohibited. Payment of assessed damage and restoration may be required to correct any underbrushing in excess of that allowed by the Permit. Underbrushing violations may be cause for termination of other Permits, including floating facility. In areas where unauthorized underbrushing or clearing has occurred, the Corps of Engineers may limit or prohibit underbrushing Permits. This prohibition may continue until the area has been restored and reevaluated by the Operations Manager. Options available to mitigate illegal or improper vegetation removal include:
 - Designate area as a restoration area with no future cutting.
 - Permittee replants trees at his/her expense.
 - Corps of Engineers/contractor replants trees at permittee expense.
 - Issue Violation Notice and/or timber appraisal for payment by permittee.
- Within the underbrush area, vegetation, having a stump diameter less than three inches (measured within one inch of ground level) may be cut, provided it is not protected under a special condition or it is required to maintain the 15' x 15' spacing requirement.
- Within the designated underbrush area, string trimmers and chain saws can be utilized to cut brush, provided they do not damage the remaining vegetation. The use of bush hogs and other heavy equipment, such as lawnmowers, tractors and bulldozers, is not permitted on Government property except in unusual circumstances and with approval of the Operations Manager. Vegetation cut on Government property will be disposed of by the permittee.

- Within an underbrush area, the permittee will delineate the Government property line, as surveyed and marked by the Government, in a clear but unobtrusive manner in accordance with this plan. This delineation may include, but is not limited to, boundary plantings of approved species and fencing on private land. The delineation will be accomplished at no cost to the Government.
- Vegetation cannot be cut to establish a new roadway within the underbrush area. Existing roads must be maintained under an appropriate "letter of consent".
- The furnished Permit tag must be posted at the location designated by the Operations Manager. When an underbrushing Permit is associated with a dock, the Permit tag is placed on the dock.
- New establishment of grass lawns is not allowed, or any activity which creates the appearance of private ownership and control of public lands.
- A Permit for underbrushing may be authorized up to 100 feet from a residence to provide a reasonable degree of fire safety protection. This allows the permittee to cut dead trees, remove thick brush, and dispose of dead limbs and other potential fire hazard materials. It does not allow the cutting of live trees or the removal of all other native vegetation to obtain a view and no mowing is authorized in this area. In protected areas, the Corps of Engineers may deny the Permit in order to protect environmental or physical characteristics for which the area was designated as protected. Dead trees and limbs and other potential fire hazard materials may be removed if authorized by the Operations Manager.
- Any tree(s) or limb(s) (alive, dead or diseased) located on Government property, which threatens or may come to threaten the permittees' personal property, may be removed after the permittee receives approval from the Operations Manager. The permittee will be responsible for the costs of removal.

OTHER MINOR ACTIVITIES

Other minor activities that are temporary in nature can be authorized with a Specified Acts Permit (SAP), and are described below. Please contact the Visitor Assistance Center for more information.

Seeding

The planting of native grass or other approved seed by the broadcasting of seed for Erosion Control is allowed under a SAP. Soil disturbance activities such as mechanical disking or plowing are not authorized.

Limb Pruning

Dead or dangerous limbs may be pruned. Pruning of live vegetation is permitted, but must be limited to small limbs less than one inch in diameter and located within 10 feet of the ground, but less than one-half of the height of the tree or shrub.

Burning

The open burning of piled vegetation from underbrushing is allowed on Government property, provided it is controlled, other vegetation is not damaged, and all state and local open burning requirements are satisfied, to include obtaining any required open burning permits. Escaped wildfires from the operation may be cause for a Violation Notice to be issued. The burning-off or the total removal of leaves and other natural materials is prohibited because of associated soil erosion problems.

Applying Herbicides

Use of herbicides is permitted on certain noxious plants such as poison ivy and kudzu. Prior to using, herbicides must be approved in writing by the Operations Manager and noted on the SAP. Use of herbicides must be in accordance with the manufacturer's label and all Federal, state, and local laws and regulations. Broadcast herbiciding is not allowed, and any damage to other shoreline vegetation must be avoided.

Footpaths

In Limited Development and Protected Shoreline Areas where underbrushing is not applicable, a SAP authorizing a footpath may be obtained to provide safe access to the water. The SAP will allow the permittee to clear vegetation within a five-foot swath. The path must be routed to minimize the effects on vegetation and the Operations Manager must approve the location in writing. Footpaths cannot be utilized as roadways by motorized and/or off road vehicles. No motorized vehicles will be allowed in Protected Shoreline Areas unless the Operations Manager grants express permission in writing.

Miscellaneous Vegetation Removal

Other short-term vegetation removal activities available to the public with a SAP are described below:

- Dead or Danger Tree Permit. A SAP may be obtained to cut dead, dangerous or downed trees for use as firewood and/or to eliminate an unsafe condition. A ranger must mark individual trees before they are cut. All debris must be disposed of so as not to create a safety hazard. Deadwood removal must be accomplished without damaging other vegetation or creating a roadway. Standing dead trees deemed beneficial to wildlife may be reserved. If the purpose of cutting dead trees is to obtain firewood, a fee may be charged for a deadwood

SAP, provided multiple trees are requested and the amount of wood involved exceeds one cord.

- Driftwood Removal. A SAP may be obtained at no cost to remove or burn driftwood and other debris accumulated along the shoreline. This SAP may authorize the limited use of motorized equipment below the Government property. If motorized equipment is utilized the permittee may not damage Government property, vegetation, or construct a road way to the work area. Burning of piled debris must be accomplished in compliance with all applicable local and state open burning laws.
- Wildlife Food Plots. The planting of wildlife food plots may be authorized with an SAP by the Operations Manager to promote increased wildlife food and cover. Planted material is for wildlife consumption only and cannot be harvested. A planting plan and type of vegetation to be planted must be submitted before approval.
- Shoreline Trees Causing Increased Erosion. An SAP may be given for the removal of live trees along heavily eroding shoreline under certain conditions. This action will be considered on a case-by-case basis and must have the written approval of the Operations Manager. To obtain this authorization, an inspection must be conducted by a ranger to determine if the action could reduce the shoreline erosion rate.

REFORESTATION AND REGENERATION OF OPEN AREAS

Planting of vegetation on Government property may be allowed provided it is in accordance with an approved planting plan. Planting of vegetation is encouraged only when a diversity of approved native plants is used. Upon planting, all materials become Government property and cannot be removed without authorization. Ornamental flowerbeds, azaleas, and other non-native plants are not authorized. See Exhibit 6 for approved list of native tree species.

EROSION CONTROL ACTIVITIES

Shoreline Erosion

W. Kerr Scott Dam and Reservoir shoreline areas are subject to significant erosion. Although it is not economically feasible to implement an extensive shoreline erosion control program, the Corps of Engineers is interested in retarding erosion whenever possible. The Corps' first priority for its limited erosion control funds are the shorelines associated with developed recreation areas. However, if individuals, private groups, or non-Federal public agencies desire to perform erosion control on Government property, the Operations Manager may:

- Issue a cost-free permit for stabilization work to be completed under applicable Nationwide and/or Regional permits in accordance with Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.
- Establish a Cooperating Association Agreement. Associations are non-profit, tax-exempt corporations whose partnership with the Corps of Engineers results in the enhancement of and contributions to the Corps' mission, particularly in regard to natural resource management. Associations will follow all appropriate Federal, state and local laws and regulations to establish and maintain a non-profit and tax exempt status and must comply with all environmental requirements. Associations must also have liability insurance. Associations can aid applicants by providing financial, technical and physical assistance in complying with requirements of this plan as it relates to shoreline erosion control. The Association may solicit tax-deductible donations from private companies and individuals conducting the above-mentioned activities on public land.
- Permits for erosion control may be issued for the life or period of continual ownership of the structure by the permittee and his/her legal spouse.

Erosion Control Activities

- Riprap, if used, must be natural stone 6 to 12 inches in diameter and be clean of unnatural materials and building rubble. Riprap material must be placed on a filter cloth material or bedding stone as approved by the Operations Manager. See Exhibit 17.
- All vegetative planting or seeding must be of an approved species. Grass planting for erosion control will not be mowed.
- Retaining walls for the purpose of stabilizing shoreline erosion are normally not permitted, but may be considered if extenuating circumstances exist which prevent the use of other approved methods. Retaining walls require design certification by a state licensed civil or structural engineer experienced in retaining wall construction. In addition, the proposed design must be reviewed by appropriate personnel within the Wilmington District Corps of Engineers Office.
- Work will comply with the following criterion unless waived in writing by the District Engineer.
 - Length will not exceed 500 linear feet of shoreline.
 - Volume will not exceed an average of one cubic yard of fill per running linear foot.

DUCK BLINDS

An SAP for duck blinds will be issued on a hunting season basis. Duck blinds will not be allowed near open public recreation areas, or where they would create a safety hazard to the public. The permittee will be required to moor the duck blind to the shore or remove

it from the reservoir after each use. SAPs for duck blinds will be issued to cover a period not to exceed 30 days prior to and 30 days after the season.

SKI JUMPS

Due to the potential safety hazards, ski jumps are not allowed on W. Kerr Scott Dam and Reservoir.

PROHIBITED PRIVATE FACILITIES AND ACTIVITIES

The federal regulations at 36 C.F.R. part 327 apply to public lands and prohibits certain activities and facilities. Examples of such violations may include, but are not limited to, unauthorized off-road motorized vehicle operation, off-road ATV use, placement of debris, fill or dirt, dog pens/houses, swings, patios, roof overhangs, roads, ramps, turnarounds, land based bathhouses, fixed gangways, picnic shelters, piers, zip lines, tree rope swings, floating swimming platforms, pilings or posts, sewage or outfall structures, fences, trolleys or tramway, or the installation of non-permitted facilities. In addition, non-permitted tree cutting/burning, non-permitted vegetation modification or alteration of the landscape of any kind is prohibited. Violations of this nature may result in removal, revocation of Permits, restitution, and/or issuance of a Violation Notice under the regulations which may require a mandatory appearance before a Federal Magistrate and/or the payment of a fine or imprisonment.

A copy of the current version of 36 C.F.R. part 327 can be obtained at the W. Kerr Scott Dam and Reservoir Visitor Assistance Center. Permit holders, adjacent landowners and other members of the public with interests or concerns regarding Government property at W. Kerr Scott Dam and Reservoir should become familiar with the regulations.

BOUNDARY LINE AND ENCROACHMENTS

The Government property line at W. Kerr Scott Dam and Reservoir has been established and marked by the Corps of Engineers in accordance with standard survey techniques. The boundary line is marked utilizing a series of orange painted hacks and blazes on line and witness trees (See Exhibit 16). In open areas where the distance between corners is such that the monuments or pins are not visible, boundary line posts are used to witness the line. Whenever possible, witness posts with appropriate identification will be placed near existing corner pins. Adjacent landowners who remove survey pins and posts will be subject to a Violation Notice, and/or be required to re-establish the boundary by survey.

W. Kerr Scott Dam and Reservoir has purchased an easement to flood up to the elevation 1080' msl, or 100-year flood elevation, and these boundaries are marked similarly to the ownership line except that blue paint is used.

The Corps of Engineers regularly repaints the boundary line. This ensures that the existing line is not lost due to development or natural causes. If a private need arises for the exact location of the common Government/private property line, the adjacent property owner (at his/her expense) must utilize a licensed surveyor. This includes the elevation 1080' msl if planning construction activities near or below this line. The Corps of Engineers will provide information to surveyors or property owners, which might assist in the location of boundary lines and property corners. This information is kept at the Visitor Assistance Center. Any discrepancies identified by the survey should be resolved with the Operations Manager.

Any activities, other than public recreational activities or pedestrian access, which are not covered by a Permit, may be considered an encroachment or degradation of Government property. Unauthorized activities are considered violations of the federal regulations contained in 36 C.F.R. part 327 which may result in removal, restitution, and/or issuance of a Violation Notice requiring the payment of a fine and/or the mandatory appearance before a Federal Magistrate.

PERMITS - GENERAL INFORMATION

Application

Applications for Permits will be submitted to the Operations Manager. Applications will be approved according to the policies established. All applicants for Permits must have legal access by virtue of adjacent ownership or deeded sub-division right of access.

Prior to any construction/activities on public lands, applicants shall submit for approval plans and specifications of the facilities. Plans should include: engineering details, structural design, anchorage method, construction material, location, the permittees address and telephone number; the expected duration of use of the facility and a statement of willingness to abide by the rules and regulations and conditions of the Permit. The Operations Manager will issue Permits for 5 years. However, if the facility is not constructed within one year from the issue date, the Permit will be considered null and void and a new application and fee for a new Permit is required. The District Commander can terminate Permits whenever he determines that the public interest requires such termination or that the permittee has failed to comply with the conditions and terms of the Permit or this Shoreline Management Plan. Permits and/or SAPs will continue to be issued by the Operations Manager as necessary, for short terms, to provide for corrective measures such as dead tree removal or planting of wildlife food plots.

Permits

Permits are issued for shoreline activities such as boat docks, non-disruptive vegetative modification, erosion control on public property and approved minor land-based facilities/activities such as: improved walkways, steps and utility rights-of-way on public property. Upon sale of the permitted facility, loss of legal access, or death of the permittee/spouse, the Permit shall be null and void. A new Permit may be issued to the new adjacent landowner after an application has been made and Permit fees paid.

Department of the Army Permits

Activities such as dredging, construction of fixed structures, including fills and combination fixed-floating structures and the discharge of dredged or fill material in navigable waters will be considered under conditions specified under authority of Section 404 of the Federal Water Pollution Control Act (33 U.S.C. § 1344).

Real Estate Instruments

All commercial development activities and all activities by individuals which involve grade, cuts, fills, and other changes in land form such as commercial power line right-of-ways will be covered by a lease, license or other grant except for certain activities that are covered by a Permit. Individuals interested in these activities should contact the Operations Manager.

Appeal of Disapproval or Revocation of Permits

The District Commander may revoke a Permit whenever he determines that the public interest necessitates such revocation or when he determines that the permittee has failed to comply with the conditions of the Permit. The permittee will be notified by certified mail. The revocation notice shall specify the reason for such action. If the permittee makes a written request for a hearing within 30 days of receipt of the notice, the District Commander shall grant such a hearing at the earliest opportunity. In no event shall the hearing date exceed 60 days from the date of the hearing request.

Duration and Administrative Fees

Shoreline activities which require a Permit fee will be issued for a five-year period. (See Exhibit 4 for fee schedule) The following exceptions may apply:

- New facilities added to an existing Permit may be pro-rated to become renewable at the same time as the existing Permit. The total fee amount will be due upon issuance of the Permit. Fees may be paid in the form of cash, check, or money order payable to "FAO, USAED Wilmington." A receipt will be given for all cash transactions. All fees should be paid to the W. Kerr Scott Dam and Reservoir Visitor Assistance Center.

Posting of Permit Tags

Rangers will post a 5" x 8" printed Permit tag on floating facilities. Permittees with Underbrushing (vegetative modification) or Erosion Control only will be required to install a 4" x 4" pressure treated wooden post on which to place the tag. In the event that the original permittee terminates his interest in the property, the Permit automatically becomes void. Failure to maintain legible Permit tags shall be grounds for terminating the Permit.

REFERENCES

This plan was prepared in accordance with the requirements of ER 1130-2-406, "Shoreline Management at Civil Works Projects," (dated 31 October 1990; change 1, 14 September 1992; change 2, 28 May 1999). Other references include:

- The Rivers and Harbors Act of 1894, as amended and supplemented (33 U.S.C. § 1).
- Section 4, 1944 Flood Control Act, as amended (16 U.S.C. § 460d).
- Forest Cover Act of September 6, 1960 (P.L. 86-717; 66 U.S.C. § 580m-580n).
- National Historic Preservation Act of 1966 (P.L. 89-665; 80 Stat. 915) as amended (16 U.S.C. § 470 et seq.)
- The National Environmental Policy Act of 1969 (PL 91-190; 42 U.S.C. § 4321, et seq.).
- Federal Insecticide, Fungicide, and Rodenticide Act of 1972 as amended (P.L. 92-f 516; 7 U.S.C. § 136 et seq.).
- "Endangered Species Act of 1973", (PL 93-205, as amended; 16 U.S.C. § 1536).
- The Clean Water Act of 1977 as amended (33 U.S.C. § 1344, et seq.).
- The Water Resource Development Act of 1986 (P.L. 99-662).
- Executive Order 11990, "Protection of Wetlands," (24 May 1977).
- Executive Order 12088 (13 OCT 78), "Federal Compliance with Pollution Control Standards."
- 36 C.F.R. part 327, "Rules and Regulations Governing Public Use of Water Resource Development Projects Administered by the Chief of Engineers."
- 33 C.F.R. parts 320-330, "Regulatory Programs of the Corps of Engineers"
- ER 1130-2-400, "Management of Natural Resources and Outdoor Recreation at Civil Works Water Resource Projects".
- ER 1130-2-435, "Project Operations, Preparation of Project Master Plans (30 DEC 1987)".
- ER 1130-2-438, "Historic Preservation Program".
- ER 405-1-12, Real Estate Handbook, as amended.
- EM 385-1-1, "Safety and Health Requirements".
- SADR PDS-O-3, Use of Shoreline and Water Areas for Minor Private Purposes.

CONCLUSION

The W. Kerr Scott Dam and Reservoir Shoreline Management Plan provides guidance for the protection and preservation of the desirable environmental qualities of the lake and surrounding Government property. As presented, the W. Kerr Scott Dam and Reservoir Shoreline Management Plan is and will continue to be a flexible and working document.

Corps of Engineers personnel at W. Kerr Scott Dam and Reservoir will continually monitor the needs of the lakes recreational users and recommend revisions to minimize conflicts between various interests. The Shoreline Management Plan will periodically be reevaluated, revised, and submitted to higher authority for approvals.

Corps personnel are available to answer questions concerning this Shoreline Management Plan and its policies. The Visitor Assistance Center is located off NC Highway 268 on Reservoir Road, three miles west of Wilkesboro, North Carolina. The mailing address is W. Kerr Scott Dam and Reservoir, U.S. Army of Corps of Engineers, 499 Reservoir Road, Wilkesboro, North Carolina 28697. The telephone number is (336) 921-3390.

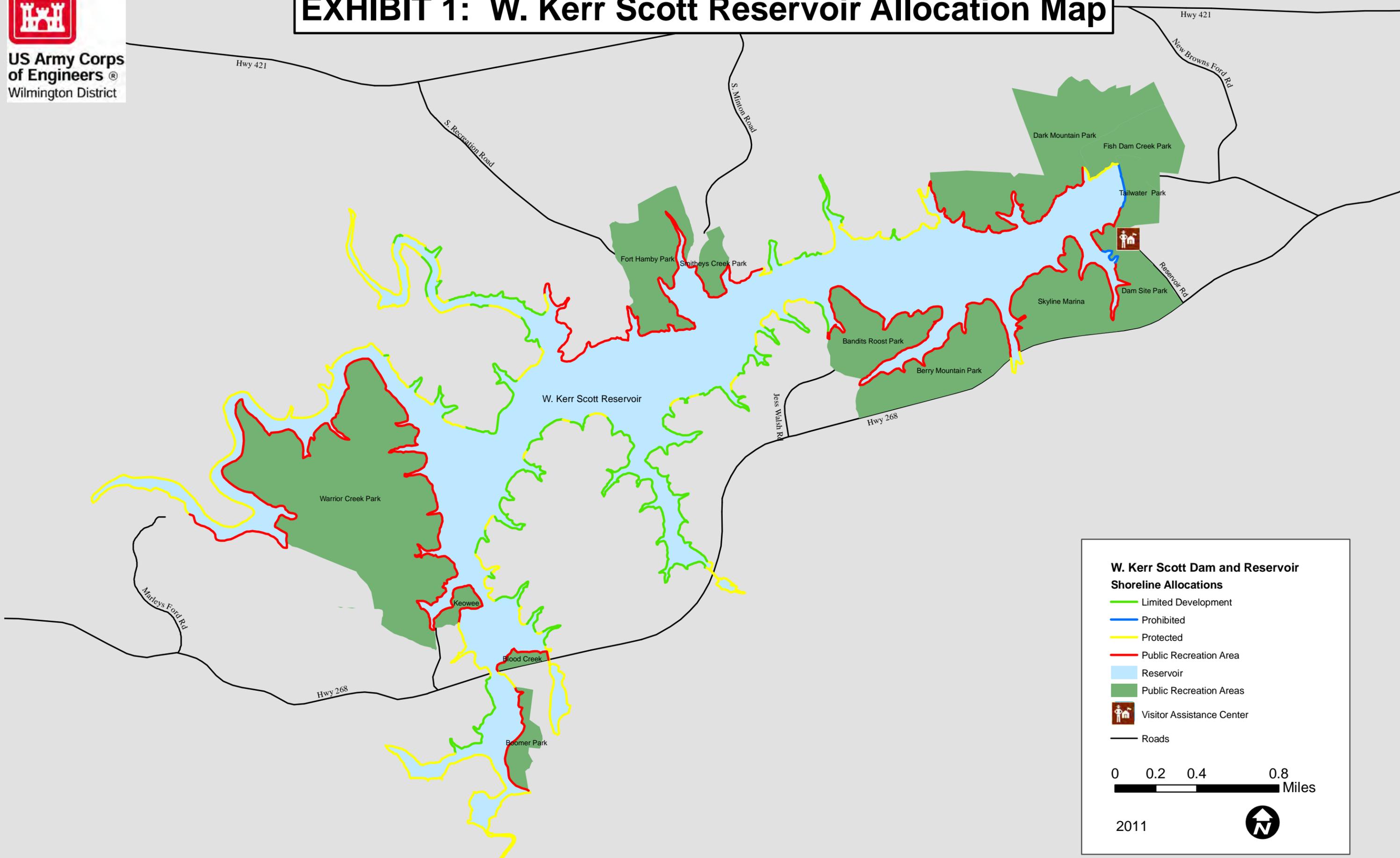
EXHIBIT 1

W. Kerr Scott Reservoir Allocation Map

EXHIBIT 1: W. Kerr Scott Reservoir Allocation Map



US Army Corps
of Engineers®
Wilmington District



**W. Kerr Scott Dam and Reservoir
Shoreline Allocations**

- Limited Development
- Prohibited
- Protected
- Public Recreation Area
- Reservoir
- Public Recreation Areas
- Visitor Assistance Center
- Roads

0 0.2 0.4 0.8 Miles

2011

EXHIBIT 2

Application and Consolidated Permit for Shoreline Use



US Army Corps
of Engineers
South Atlantic Division

Exhibit 2: Application and Consolidated Permit for Shoreline Use

For use of this form, see SADVR 1130-2-14

Print or type the information requested below. Submit two signed copies with two complete sets of plans and specifications to the Operations Project Manager. (READ THE ATTACHED PRIVACY ACT STATEMENT PRIOR TO COMPLETING THIS FORM.)

Name of Applicant _____ Date _____

Address _____ Telephone _____

City _____ State _____ Zip Code _____

Describe facility or use requested. Include location. List the number of boats to be docked if this request is for a boat mooring facility. Include length of boats:

The following person will be available on short-notice call and will be responsible for providing any needed surveillance of the structure in my absence:

Name _____ Telephone _____

Address _____

City _____ State _____ Zip Code _____

I understand the conditions of this Consolidated Permit and hereby accept this instrument together with all conditions thereof,

this _____ day of _____, 20____

X _____
Applicant Signature

This block to be completed by Operations Project Manager.

Special Consolidated Permit Conditions:

Consolidated Permit Number: _____ Date Issued: _____ Expiration Date: _____

The Secretary of the Army hereby grants to the applicant named above a Consolidated Permit for the period specified above, to construct, use and maintain the items specified and described above and more particularly identified on Exhibit "A" attached hereto and made a part hereof.

IN WITNESS WHEREOF, I have hereunto set my hand by authority of the Secretary of the Army this _____ day of _____, 20____

X _____
Operations Project Manager

Project Name _____

PRIVACY ACT NOTICE

AUTHORITY

Section 4, 1944 Flood Control Act as amended, PL 87-874.

PURPOSES

These applications are used in considering the issuance of permits for floating facilities and landscaping by private landowners adjacent to Corps lakes. This information is collected and maintained at project offices and is used as a basis for issuing permits. The description of facility is needed to assure conditions of permit requirements are met. Information may be used for auditing programs with financial involvement. Information is needed in order to contact the responsible party on short notice in case of emergency.

ROUTINE USES

This information may be disclosed to Department of Justice or other federal, state, or local law enforcement agencies charged with the responsibility of investigating or prosecuting violations or potential violations of law or enforcing or implementing statutes, rules, regulations, or orders issued pursuant thereto; or to a Congressional office in response to an inquiry made at the applicant's request. The applicant's name and address are considered public information and will be disclosed in response to a Freedom of Information Act request.

EFFECTS OF NONDISCLOSURE

Disclosure of information is voluntary. Failure to provide information will preclude issuance of a permit.

EXHIBIT 3

Consolidated Permit Conditions

EXHIBIT 3
CONSOLIDATED PERMIT CONDITIONS

1. This permit is granted solely to the applicant for the purpose described on the attached permit.
2. The permittee agrees to and does hereby release and agree to save and hold the Government harmless from any and all causes of action, suits at law or equity, or claims or demands or from any liability of any nature whatsoever for or on account of any damages to persons or property, including a permitted facility, growing out of the ownership, construction, operation or maintenance by the permittee of the permitted facilities and/or activities.
3. Ownership, construction, operation, use and maintenance of a permitted facility are subject to the Government's navigation servitude.
4. No attempt shall be made by the permittee to forbid the full and free use by the public of all public waters and/or lands at or adjacent to the permitted facility or to unreasonably interfere with any authorized project purposes, including navigation in connection with the ownership, construction, operation or maintenance of a permitted facility and/or activity.
5. The permittee agrees that if subsequent operations by the Government require an alteration in the location of a permitted facility and/or activity or if in the opinion of the district commander a permitted facility and/or activity shall cause unreasonable obstruction to navigation or that the public interest so requires, the permittee shall be required, upon written notice from the district commander to remove, alter, or relocate the permitted facility, without expense to the Government.
6. The Government shall in no case be liable for any damage or injury to a permitted facility which may be caused by or result from subsequent operations undertaken by the Government for the improvement of navigation or for other lawful purposes, and no claims or right to compensation shall accrue from any such damage. This includes any damage that may occur to private property if a facility is removed for noncompliance with the conditions of the permit.
7. Ownership, construction, operation, use and maintenance of a permitted facility and/or activity are subject to all applicable Federal, state and local laws and regulations. Failure to abide by these applicable laws and regulations may be cause for revocation of the permit.
8. This permit does not convey any property rights either in real estate or material; and does not authorize any injury to private property or invasion of private rights or any infringement of Federal, state or local laws or regulations, nor does it obviate the necessity of obtaining state or local assent required by law for the construction, operation, use or maintenance of a permitted facility and/or activity.
9. The permittee agrees to construct the facility within the time limit agreed to on the permit issuance date. The permit shall become null and void if construction is not completed within that period. Further, the permittee agrees to operate and maintain any permitted facility and/or

activity in a manner so as to provide safety, minimize any adverse impact on fish and wildlife habitat, natural, environmental, or cultural resources values and in a manner so as to minimize the degradation of water quality.

10. The permittee shall remove a permitted facility within 30 days, at his/her expense, and restore the waterway and lands to a condition accepted by the resource manager upon termination or revocation of this permit or if the permittee ceases to use, operate or maintain a permitted facility and/or activity. If the permittee fails to comply to the satisfaction of the resource manager, the district commander may remove the facility by contract or otherwise and the permittee agrees to pay all costs incurred thereof.

11. The use of a permitted boat dock facility shall be limited to the mooring of the permittee's vessel or watercraft and the storage, in enclosed locker facilities, of his/her gear essential to the operation of such vessel or watercraft.

12. Neither a permitted facility nor any houseboat, cabin cruiser, or other vessel moored thereto shall be used as a place of habitation or as a full or part-time residence or in any manner which gives the appearance of converting the public property, on which the facility is located, to private use.

13. Facilities granted under this permit will not be leased, rented, sub-let or provided to others by any means of engaging in commercial activity(s) by the permittee or his/her agent for monetary gain. This does not preclude the permittee from selling total ownership to the facility.

14. Floats and the flotation material for all docks and boat mooring buoys shall be fabricated of materials manufactured for marine use. The float and its flotation material shall be 100% warranted for a minimum of 8 years against sinking, becoming waterlogged, cracking, peeling, fragmenting, or losing beads. All floats shall resist puncture and penetration and shall not be subject to damage by animals under normal conditions for the area. All floats and the flotation material used in them shall be fire resistant. Any float which is within 40 feet of a line carrying fuel shall be 100% impervious to water and fuel. The use of new or recycled plastic or metal drums or non-compartmentalized air containers for encasement or floats is prohibited. Existing floats are authorized until it or its flotation material is no longer serviceable, at which time it shall be replaced with a float that meets the conditions listed above. For any floats installed after the effective date of this specification, repair or replacement shall be required when it or its flotation material no longer performs its designated function or it fails to meet the specifications for which it was originally warranted.

15. Permitted facilities and activities are subject to periodic inspection by authorized Corps representatives. The resource manager will notify the permittee of any deficiencies and together establish a schedule for their correction. No deviation or changes from approved plans will be allowed without prior written approval of the resource manager.

16. Floating facilities shall be securely attached to the shore in accordance with the approved plans by means of moorings which do not obstruct general public use of the shoreline or adversely affect the natural terrain or vegetation. Anchoring to vegetation is prohibited.

17. The permit display tag shall be posted on the permitted facility and/or on the land areas covered by the permit so that it can be visually checked with ease in accordance with instructions provided by the resource manager.

18. No vegetation other than that prescribed in the permit will be damaged, destroyed or removed. No vegetation of any kind will be planted, other than that specifically prescribed in the permit.

19. No change in land form such as grading, excavation or filling is authorized by this permit.

20. This permit is non-transferable. Upon the sale or other transfer of the permitted facility or the death of the permittee and his/her legal spouse, this permit is null and void.

21. By 30 days written notice, mailed to the permittee by certified letter, the district commander may revoke this permit whenever the public interest necessitates such revocation or when the permittee fails to comply with any permit condition or term. The revocation notice shall specify the reasons for such action. If the permittee requests a hearing in writing to the district commander through the resource manager within the 30-day period, the district commander shall grant such hearing at the earliest opportunity. In no event shall the hearing date be more than 60 days from the date of the hearing request. Following the hearing, a written decision will be rendered and a copy mailed to the permittee by certified letter.

22. Notwithstanding the conditions cited in condition 21 above, if in the opinion of the district commander, emergency circumstances dictate otherwise, the district commander may summarily revoke the permit.

23. When vegetation modification on these lands is accomplished by chemical means, the program will be in accordance with appropriate Federal, state and local laws, rules and regulations.

24. The resource manager or his/her authorized representative shall be allowed to cross the permittee's property, as necessary to inspect facilities and/or activities under permit.

25. When vegetation modification is allowed, the permittee will delineate the government property line in a clear, but unobtrusive manner approved by the resource manager and in accordance with the project Shoreline Management Plan.

26. If the ownership of a permitted facility is sold or transferred, the permittee or new owner will notify the Resource Manager of the action prior to finalization. The new owner must apply for a Shoreline Use Permit within 14 days or remove the facility and restore the use area within 30 days from the date of ownership transfer.

27. If permitted facilities are removed for storage or extensive maintenance, the resource manager may require all portions of the facility be removed from public property.

EXHIBIT 4

Fee Schedule for Consolidated Permits Covering Shoreline Facilities/Activities

**FEE SCHEDULE
 FOR
 “CONSOLIDATED PERMITS” COVERING
 SHORELINE FACILITIES/ACTIVITIES**

ADMINISTRATIVE FEES for Docks & Other Facilities (5-Year Term)

New Permit (or new owner of existing facility)	\$400
Re-issue Permit (to same owner of existing facility)	\$175
Permit Modification ¹ (additions/changes to existing facility)	\$90
Vegetative Modification (non-disruptive)	\$10
.....	
Erosion Control	\$0

PLUS +

FAIR MARKET VALUE FEE (if applicable) (5-Year Term)

Utility rights-of-way (each utility)	\$35
Improved steps and/or walkway	\$50
Handrails only	\$28
Boat launching ramp ²	\$67
Marine way ²	\$67
Improved road and turnaround ²	\$56
Picnic shelter and patios ²	\$50
Land-based or stationary boathouse ²	\$67
Pump house ²	\$20

¹ Modifications may not be for a five-year term.

² No new structures of this type will be permitted.

EXHIBIT 5

Procedures for Obtaining Consolidated Permits



US Army Corps
of Engineers®
Wilmington District

EXHIBIT 5

Procedures for Obtaining Consolidated Permits W. Kerr Scott Dam and Reservoir

- Step 1** Applicant makes a written or telephone request for a permit to the Visitor Assistance Center at 499 Reservoir Road, Wilkesboro, NC 28697 or 336-921-3390. Be prepared to give the following information:
- a. Type of permit desired.
 - b. The location of desired permit
 - c. Name and telephone number of where you can be reached between the hours of 8:00 am and 4:00 pm, Monday – Friday.
- Step 2** If rangers are unavailable, they will contact the prospective permittee by phone and schedule a meeting at the permit location.
- Step 3** The rangers on site will tentatively approve or disapprove the type of facility and location. Upon this approval, rangers will provide the permittee with the appropriate instructions. Rangers will mark the location with a white carsonite marker.
- Step 4** The permit application package and fee schedule will be mailed or given to the permittee at the on-site meeting. These documents must be completed and returned with the appropriate fees within 30 days of the site visit. In addition, a copy of property deed, plat map of property and appropriate facility plans are required. Failure to respond will cause permit process to be terminated. Checks for permit fees should be made payable to “FAO, USAED Wilmington.” All fees should be paid to the Operations Manager at the W. Kerr Scott Visitor Assistance Center.
- Step 5** Upon receipt, the Operations Manager will review the application. If approved, a copy of the signed permit application will be mailed to the permittee.
- Step 6** Rangers will install a permit marker on the dock upon when construction is complete and the dock is approved.
- Step 7** The permittee maintains the facility or permit area according to the terms of the permit. Prior to the expiration date, rangers will inspect the facility and notify the permittee of any necessary repairs. A letter with renewal instructions will be mailed to the permittee.

Address: **W. Kerr Scott Reservoir**
 Attention: Operations Manager
 499 Reservoir Road
 Wilkesboro, NC 28697

Phone: **336-921-3390**

EXHIBIT 6

Native Plant List



EXHIBIT 6: NATIVE PLANT LIST
Tall trees (more than 30 ft)

<u>Latin Name</u>	<u>Common Name</u>	<u>Soil/Light</u>	<u>Region</u>	<u>Wildlife Value</u>
Acer rubrum	Red Maple	W-D/F-P	M, P, CP	S
Acer saccharum	Sugar Maple	M/F-S	M	S
Aesculus flava	Yellow Buckeye	M/P-S	M	H
Betula lenta	Sweet Birch	M-D/F-S	M	S, L
Carya glabra	Pignut Hickory	D/F-S	M, P, CP	S, L
Carya ovata	Shagbark Hickory	M-D/F-S	M, P, CP	S, L
Carya tomentosa	Mockernut Hickory	D/F-S	M, P, CP	S, L
Diospyros virginiana	Persimmon	M-D/F-P	M, P, CP	F
Fagus grandifolia	American Beech	M/P-S	M, P, CP	S
Fraxinus americana	White Ash	M/F-S	M, P	S, L
Fraxinus pennsylvanica	Green Ash	W-D/F-P	M, P, CP	S, L
Ilex opaca	American Holly	W-D/F-S	M,P,CP	C,F,N,L
Juniperus virginiana	Eastern Red Cedar	M-D/F-P	M, P, CP	C, F, L
Liquidambar styraciflua	Sweetgum	W-M/F-P	M, P, CP	S
Liriodendron tulipifera	Yellow Poplar	M/F-P	M, P, CP	S, H, N, L
Magnolia acuminata	Cucumber Tree	M/F-P	M, P	S
Nyssa sylvatica	Blackgum	D/F-P	M, P, CP	F
Oxydendrum arboreum	Sourwood	D/F-S	M, P, CP	N
Pinus echinata	Shortleaf Pine	D/F-P	M, P, CP	C, S, L
Pinus strobus	Eastern White Pine	D/F	M, P	C, S
Platanus occidentalis	Sycamore	M/F-P	M, P, CP	S
Prunus serotina	Black Cherry	M-D/F	M, P, CP	F, N, L
Quercus alba	White Oak	M-D/F-P	M, P, CP	S, L
Quercus coccinea	Scarlet Oak	D/F-P	M, P	S, L
Quercus falcata	Southern Red Oak	M-D/F-P	M, P, CP	S, L
Quercus rubra	Red Oak	M/F-P	M, P	S, L
Quercus stellata	Post Oak	D/F	M, P, CP	S, L
Quercus velutina	Black Oak	M-D/F-P	M, P, CP	S, L
Robinia pseudoacacia	Black Locust	M-D/F-P	M, P	S, L
Sassafras albidum	Sassafras	M-D/F-P	M, P, CP	F, L
Tilia americana	Basswood	M/F-P	M, P, CP	S, N, L
Tsuga canadensis	Eastern Hemlock	M/P-S	M, P	C, S
Ulmus alata	Winged Elm	M-D/F-P	M, P, CP	S, L
Ulmus americana	American Elm	W-M/F-P	M, P, CP	S, L

Small trees/shrubs (10-30 ft)

<u>Latin Name</u>	<u>Common Name</u>	<u>Soil/Light</u>	<u>Region</u>	<u>Wildlife Value</u>
Alnus serrulata	Alder	W-M/F-P	M, P, CP	S, L
Amelanchier arborea	Serviceberry	M-D/F-S	M, P	F, N, L
Amelanchier laevis	Allegheny Serviceberry	M-D/F-P	M	F, N, L
Aralia spinosa	Devil's Walking Stick	M/F-P	M, P, CP	F, N
Asimina triloba	Pawpaw	M/F-S	M, P, CP	F, L
Carpinus caroliniana	Ironwood	W-M/P-S	M, P, CP	S, L
Castanea pumila	Chinquapin	D/F-P	M, P, CP	S
Cercis canadensis	Eastern Redbud	M-D/F-P	M, P	S, N, L
Chionanthus virginicus	Fringetree	M-D/F-P	M, P, CP	F
Cornus amomum	Silky Dogwood	W-M/P-S	M, P, CP	F, N, L
Cornus florida	Flowering Dogwood	M-D/F-P	M, P, CP	F, N, L
Crataegus spp.	Hawthorn	M/F-S	M, P, CP	F, H, N, L
Halesia tetraptera	Carolina Silverbell	M/P-S	M, P	N

EXHIBIT 6: NATIVE PLANT LIST
Small trees/shrubs (10-30 ft)

<u>Latin Name</u>	<u>Common Name</u>	<u>Soil/Light</u>	<u>Region</u>	<u>Wildlife Value</u>
Hamamelis virginiana	Witch-Hazel	M/F-S	M, P, CP	S
Morus rubra	Red Mulberry	M-D/F-S	M, P, CP	F, L
Ostrya virginiana	Hophornbeam	M-D/F-S	M, P	F, L
Prunus americana	Wild Plum	M-D/F	M, P	F, N, L
Rhus copallina	Winged Sumac	M-D/F-P	M, P, CP	F, N, L
Rhus glabra	Smooth Sumac	M-D/F-P	M, P, CP	F, N, L
Sambucus canadensis	Elderberry	W-M/F-P	M, P, CP	F
Sorbus americana	Mountain-Ash	M/F-P	M	F
Symplocos tinctoria	Sweetleaf	M-D/F-S	M, P, CP	S, N, L
Viburnum prunifolium	Black Haw	M/F-S	M, P, CP	F, L

Small shrubs

<u>Latin Name</u>	<u>Common Name</u>	<u>Soil/Light</u>	<u>Region</u>	<u>Wildlife Value</u>
Calycanthus floridus	Sweetshrub	M/P-S	M, P	N
Cephalanthus occidentalis	Buttonbush	W-M/F-P	M, P, CP	S, H, N
Corylus americana	Hazelnut	M/F-S	M, P	S
Euonymus americana	Strawberrybush	M/P-S	M, P, CP	S
Gaylussacia dumosa	Dwarf Huckleberry	M-D/F-P	M, P, CP	F, N, L
Hydrangea arborescens	Wild Hydrangea	M/P-S	M, P	S, N
Itea virginica	Virginia Willow	W-M/P-S	M, P, CP	S, N
Kalmia latifolia	Mountain Laurel	M-D/F-S	M, P, CP	C, H, N
Leucothoe axillaris	Doghobble	W-M/F-P	M, P, CP	C, N
Lindera benzoin	Spicebush	M-D/F-S	M, P, CP	F, L
Rhododendron calendulaceum	Flame Azalea	M-D/P-S	M	H, N
Rhododendron catawbiense	Catawba Rhododendron	M/P-S	M, P	C, H, N
Rhododendron maximum	Rosebay Rhododendron	M/P-S	M, P	C, H, N
Rhododendron periclimenoides	Wild Azalea	W-M/F-P	M, P, CP	H, N
Rubus spp.	Blackberry, Dewberry	M-D/F-P	M, P, CP	C, F, S, N
Sorbus arbutifolia	Red Chokeberry	W-M/F-S	M, P, CP	F, L
Vaccinium stamineum	Deerberry	D/F-P	M, P, CP] F, N, L
Vaccinium vacillans	Lowbush Blueberry	D/F-P	M, P, CP	F, N, L
Viburnum acerifolium	Mapleleaf Viburnum	M-D/P-S	M, P	F, L
Viburnum dentatum	Arrowwood	M/F-S	M, P, CP	F, L

Soil moisture: W = wet; M = moist; D = dry.

Light requirements: F = full sun; P = partial shade; S = shade.

Region: M = mountains; P = piedmont; CP = coastal plain.

Wildlife Value: C = winter cover; F = fleshy fruit; S = seed, hard mast, or catkin; H = hummingbird nectar; N = butterfly and other insect nectar; L = butterfly larvae host plant.

Source: North Carolina Cooperative Extension Service

EXHIBIT 7

Transfer of Dock Ownership



EXHIBIT 7
Transfer of Dock Ownership
W. Kerr Scott Dam & Reservoir

I, _____ have sold my property at _____
(Former owner) (Address)

and relinquish my boat dock to new owner _____ as of
(New Owner)

(date)

(Signature)

EXHIBIT 8

**Approved Drawing of
Private Floating Dock**

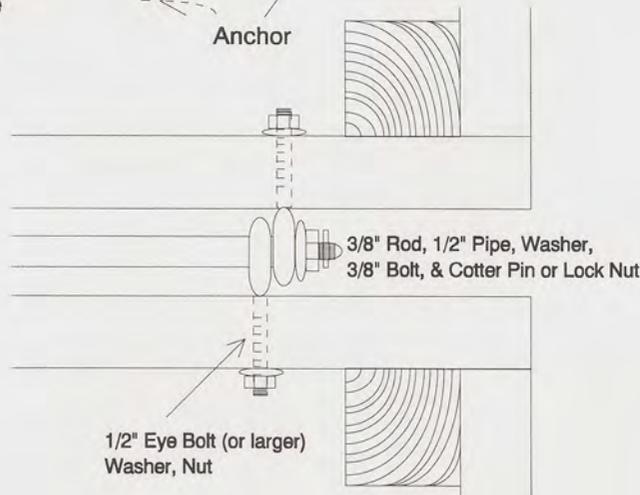
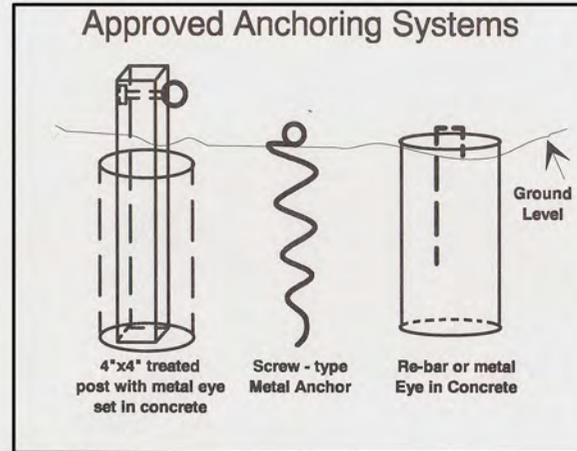
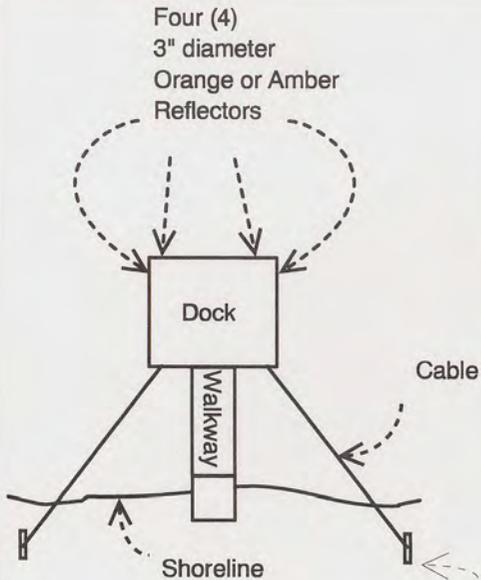
EXHIBIT 9

**Approved Drawing of
Private Floating Dock**



US Army Corps
of Engineers
Wilmington District

EXHIBIT 9: Approved Drawing of Private Floating Dock W. KERR SCOTT DAM AND RESERVOIR



Section Connectors
(minimum standard)

Bill of Materials

FLOAT

4 Sides and Skirts	2"x6"x9'-9"
8 Sides, Skirts, & Braces	2"x6"x12'
10 Deck Braces	2"x6"x1'-9"
4 Corners	4"x4"x14"
3 Cross Ties	2"x6"x12'
3 Skids	2"x6'-11"
23 Decking Planks	2"x6"x10'

RAMP

4 Sides and Skirts	2"x6"x10'
4 Corners	4"x4"x14"
9 Ends and Cross Ties	2"x6"x3'-9"
1 Long Deck Brace	2"x6"x9'-9"
2 Deck Braces	2"x6"x1'-10"
19 Decking Planks	2"x6"x4'
2 Skids	2"x6"x9'

GANG PLANK

2 Sides	2"x4"x4'
3 Cross Members	2"x4"x3'-9"
2 Cross Braces	2"x4"x2"x4"x1'-9.75"
8 Decking Planks	1"x6"x4'
5 Flotation Billets	10"x20"x9'

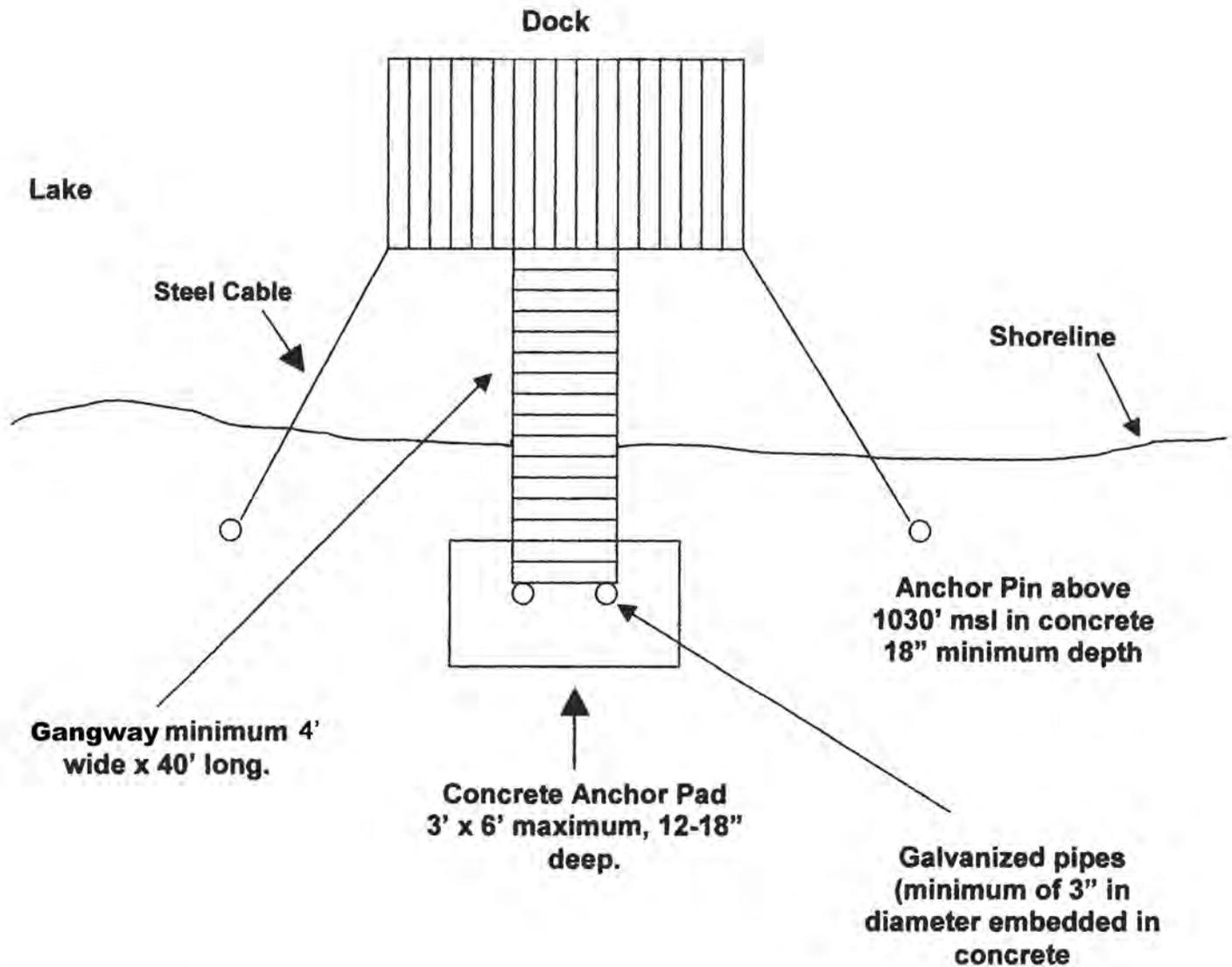
HARDWARE

10 Galv. Eye Rods	1/2" Dia.
2 Galv. Rods	3/8" O.D. x 42" Lg.
16 Galv. Carriage Bolts w/Nuts	1/2" Dia. x 15.5" Lg.
32 Bolts w/Nuts	1/2" Dia. x 7.5" Lg.
12 Lbs. Nails	8d and 16d
58 Galv. Washers	1/2" Dia.
1 Conc. Anchor	5 Gal. Size
60 L.F Galv. Cable or Rope	1/4" Dia.

EXHIBIT 10

Anchoring

EXHIBIT 10 ANCHORING



- There should not be a gap greater than 2" between gangway and dock.
- Chains, steel cables or U-bolts should be used to anchor gangway to shore if poles are used.
- Cables shall not be tied to trees or any type of vegetation.

EXHIBIT 11

Private Electric Lines

Exhibit 11: Private Electric Lines W. Kerr Scott Reservoir

Below are found specific regulations for constructing electric power lines along the shorelines of W. Kerr Scott Dam and Reservoir. This statement is meant to clarify the drawing known as **Exhibit 13: Approved Drawing of Underground Electric Line** and shown as an Exhibit to the Shoreline Management Plan.

Adjacent landowners must have written permission from the Corps of Engineers on any electric lines placed within the flowage easement (1080' msl) of W. Kerr Scott Dam and Reservoir. Electric lines placed on easement lands only (between the blue and orange line) may be added for your convenience to your existing 5-year term shoreline permit and subject to administrative permit fees. You may also elect to apply for a formal perpetual written consent transferable to your heirs and/or new land owners. Consents are subject to a one-time Administrative Fee. Electric lines running down onto fee lands (below the orange line), or any combination of fee and easement lands, requires a Permit issued by the Corps of Engineers.

Generally speaking, electric lines will be run for pole lighting only. It is required that all active outlets, lights, and other ports for electricity be placed at least 2' above 1080' msl to prevent accidental electrocution. At W. Kerr Scott Dam and Reservoir, the maximum 100-year flood pool elevation is 1080' msl. Therefore, all active permanent electric facilities as described above must be located at least 2' above 1080' msl as determined by a licensed surveyor hired by the permit holder.

A permanent connection to a land-based AC power system in support of lighting or any other electrical device is not allowed. Prior to the adoption of this Shoreline Management Plan, some "grandfathered" electric operated boatlifts were approved and may remain in place for the life of the lift unit as long as they are maintained per Corps of Engineers regulations. On these lift units, conduit constructed under National Electric Code (NEC) rules for wet site locations may be run from the motor to shore and ending at a specialized ground fault protected receptacle plug-in. At the motor, all wiring must be directly wired into the motor housing. No other electric outlet can be placed on this conduit feed as it is only allowed for operation of the boatlifts. **New boat lifts must be either solar powered, air pressurized, or battery operated per approved plans.**

All electric installations must meet current federal, state, and local laws, and be installed by a certified electrician competent with these codes. All electric placements must be certified safe by a licensed, registered, or certified electrician in the State of North Carolina. An **Exhibit 12: Electrical Utility Certification Statement** must be signed by the electrician and provided to the Corps of Engineers by the permit holder within 15 days of installation. A certification statement is required at initial installation, at each renewal of the Permit, and when repairs or modifications are made to any part of the electrical system. "

Should permits ever be terminated, the permit holder is responsible for removing all components of the electric line system at their expense.

Specific AC Electric Line Installation Requirements:

1. **Permit Required:** Electric line installation must **not occur** before a signed permit by the Operations Manager is obtained by the permit holder. Electricians should ask to see this permit before installation begins.
2. **Master Control Disconnect:** A shut off or physical disconnect external to the dwelling and readily accessible to others for emergency cut-off purposes must be present. The disconnect must be an outdoor electric box with a circuit breaker and a power activated indicator light which illuminates when power is turned on. This box is to be placed above 1080; msl and located on private land. All power from the disconnect box down to the lake must be maintained in a turned off condition when no one is present at the permit site.
3. **Underground Wiring:** All electric lines from the disconnect box running downward into the flood pool must be buried underground a minimum of 18 inches and per current federal, state, and local laws. Warning tape must be installed above buried line at the 8-inch depth. Only UF and USE electric cable may be used. Any digging for buried cable must be backfilled and over-planted to stop erosion. Temporary extension cords are not permitted.
4. **Pole Lights:** Pole mounted light fixtures are allowed. All fixtures and switches must be located at least 2' above 1080' msl. Poles must be pressure treated wood or metal sufficient to hold lighting fixtures. Electric cable along the pole must be enclosed in conduit from the light fixture to 1 ft. below ground level. All fixtures and lights must be approved for wet locations. All lights must be aimed downward and shielded to reduce glare.
5. **Lighting on Docks:** AC powered lighting is not allowed on docks. Alternative sources of dock lighting include solar or battery powered systems commercially manufactured for that purpose and separate from any AC electric systems. Installation of these alternative systems must be submitted for approval.
6. **AC Power Boat Lift Application:** Installations of new AC powered lifts are not allowed. AC powered lifts currently grandfathered require the following:
 - a. A circuit breaker/junction box is required to facilitate temporary connections between the dock and the AC system. This box should be mounted on a treated wooden post and located at the location designated by ranger.
 - b. The junction/circuit breaker box must have a visible indicator light which illuminates when the power is turned on from the master control disconnect to the junction box.
 - c. Electric power from the master disconnect above must be run through a ground fault circuit breaker located in the lower junction box. Incoming

electric cable must be enclosed in conduit from the junction box down to 1 ft. below ground level and be hard wired into box.

- d. Outgoing cable exiting the junction box toward the dock's gangway should be completely enclosed in flexible water tight conduit and terminate in a specialized lockable plug. The cable can have additional length to facilitate longer connections during periods of low water and during periods when not in use must be coiled and hung on outlet post.
- e. Electric cable running from the boat lift motor to the end of the dock's gangway must be enclosed in conduit and water tight. Where movable dock ramps or joints exist, links of liquid tight flexible conduit may be used. Cable must terminate at the end of the gangway with a specialized (NEMA L5 20R, 120 Volt) twist lock receptacle. This receptacle may be mounted on a post attached near the end of the gangway.
- f. Boat lift wiring must be directly wired into the lift motor with no additional switches, lights, or in-line receptacles available for supplemental electric device plug in on the dock.

EXHIBIT 12

Electrical Utility Certification Statement

**EXHIBIT 12: ELECTRICAL UTILITY
CERTIFICATION STATEMENT
W. Kerr Scott Dam & Reservoir**

Part 1. (To be completed by license grantee.)

After meeting with a Corps of Engineers Ranger for the determination of the underground line location and utility pole base elevations, I provided my licensed electrician with that information.

My Consolidated Permit Number is _____.
The base elevation of my utility pole is _____ ft. above msl.

Print Name: _____ Signed: _____
Permit Holder

Date: _____

Part 2. (To be completed by licensed electrician)

I, _____, a currently licensed electrician in the State of North Carolina, registration number _____, hereby certify that the above grantee's electrical utility meets all current National Electrical Code requirements for outside wet locations. I also certify that the electric utility also meets current Corps of Engineers requirements as addressed in Exhibit 11 which addresses requirements for private electric lines.

If a receptacle is present on the utility, it meets minimum elevation requirements and has a Ground Fault Interrupter located _____.

Signed: _____ (Licensed Electrician)

Date: _____

Work Address: _____

Phone Number: _____

RETURN THIS FORM WITHIN 15 DAYS OF CERTIFICATION.

EXHIBIT 13

**Approved Underground Electric Lines
for Grandfathered Boat Lifts**

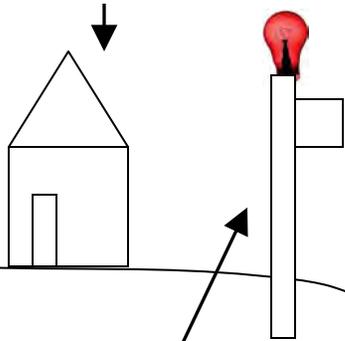


US Army Corps
of Engineers
Wilmington District

Exhibit 13: Approved Underground Electric Line for Grandfathered Boat Lifts

W. KERR SCOTT DAM & RESERVOIR

Private
Residence



At least
2' above
1080' msl



1080' msl
maximum
flood pool



Property Line



Master disconnect switch outside residence on private property with mounted red light installed at least 2' above 1080' msl.

* All systems must have Ground-Fault Circuit-Interrupter (GFCI) protection at circuit breaker box on private property. NO exceptions. Power must be manually disconnected at post and power shut off at master disconnect on private property when not in use.

Breaker/Junction Box with red light. Exit wire in flexible conduit terminating in locking plug. (NEMA (L5 20R, 120 Volt). Cord permanently mounted to breaker/junction box, extra cord length coiled and hung when not in use.



Gangway

Lake

DRAWING NOT TO
SCALE

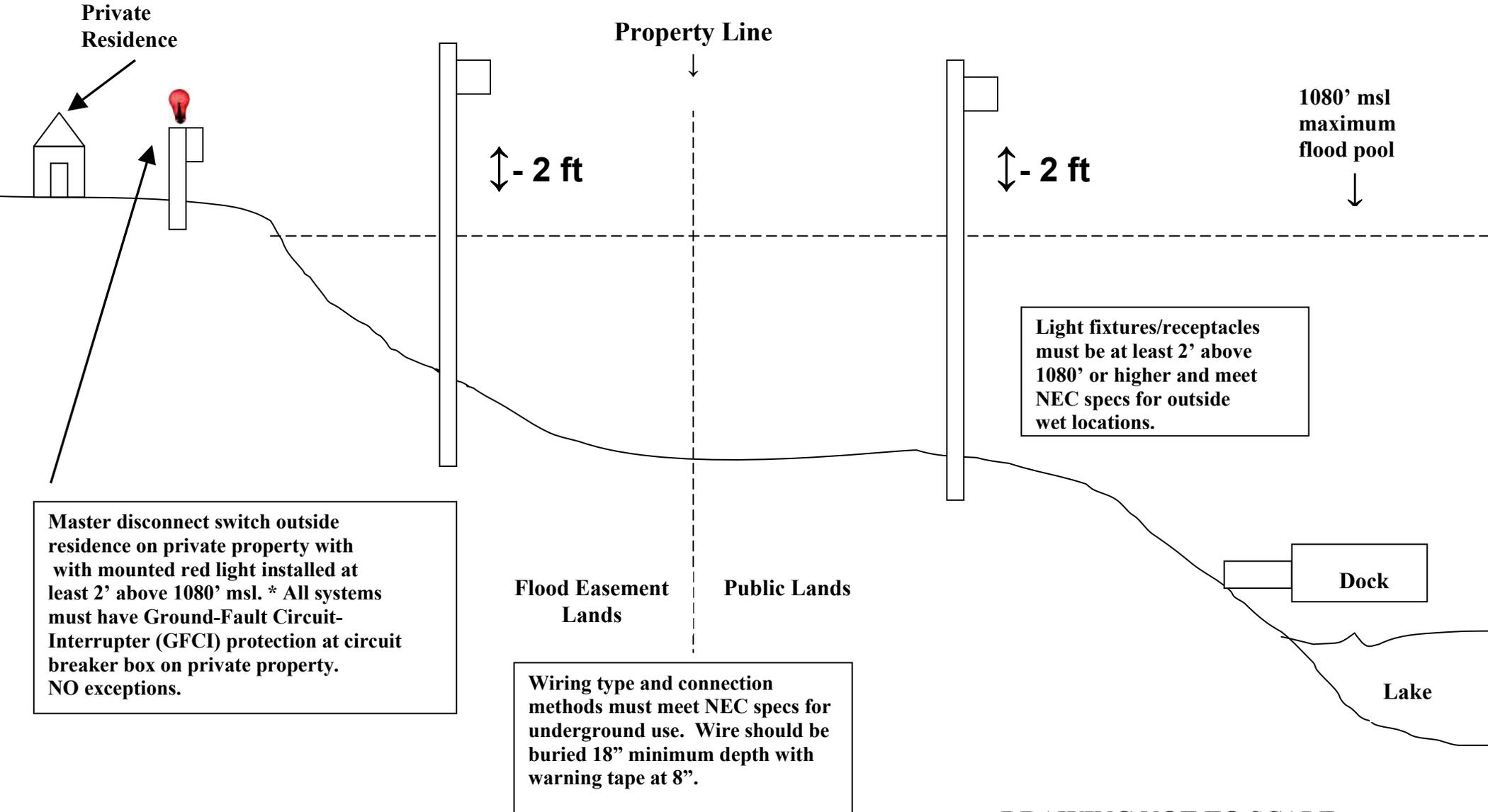
EXHIBIT 14

Approved Pole Light Drawing



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Exhibit 14: Approved Pole Light Drawing W. KERR SCOTT RESERVOIR



Master disconnect switch outside residence on private property with with mounted red light installed at least 2' above 1080' msl. * All systems must have Ground-Fault Circuit-Interrupter (GFCI) protection at circuit breaker box on private property. NO exceptions.

Light fixtures/receptacles must be at least 2' above 1080' or higher and meet NEC specs for outside wet locations.

Wiring type and connection methods must meet NEC specs for underground use. Wire should be buried 18" minimum depth with warning tape at 8".

DRAWING NOT TO SCALE

EXHIBIT 15

Approved Drawing of Typical Stairway

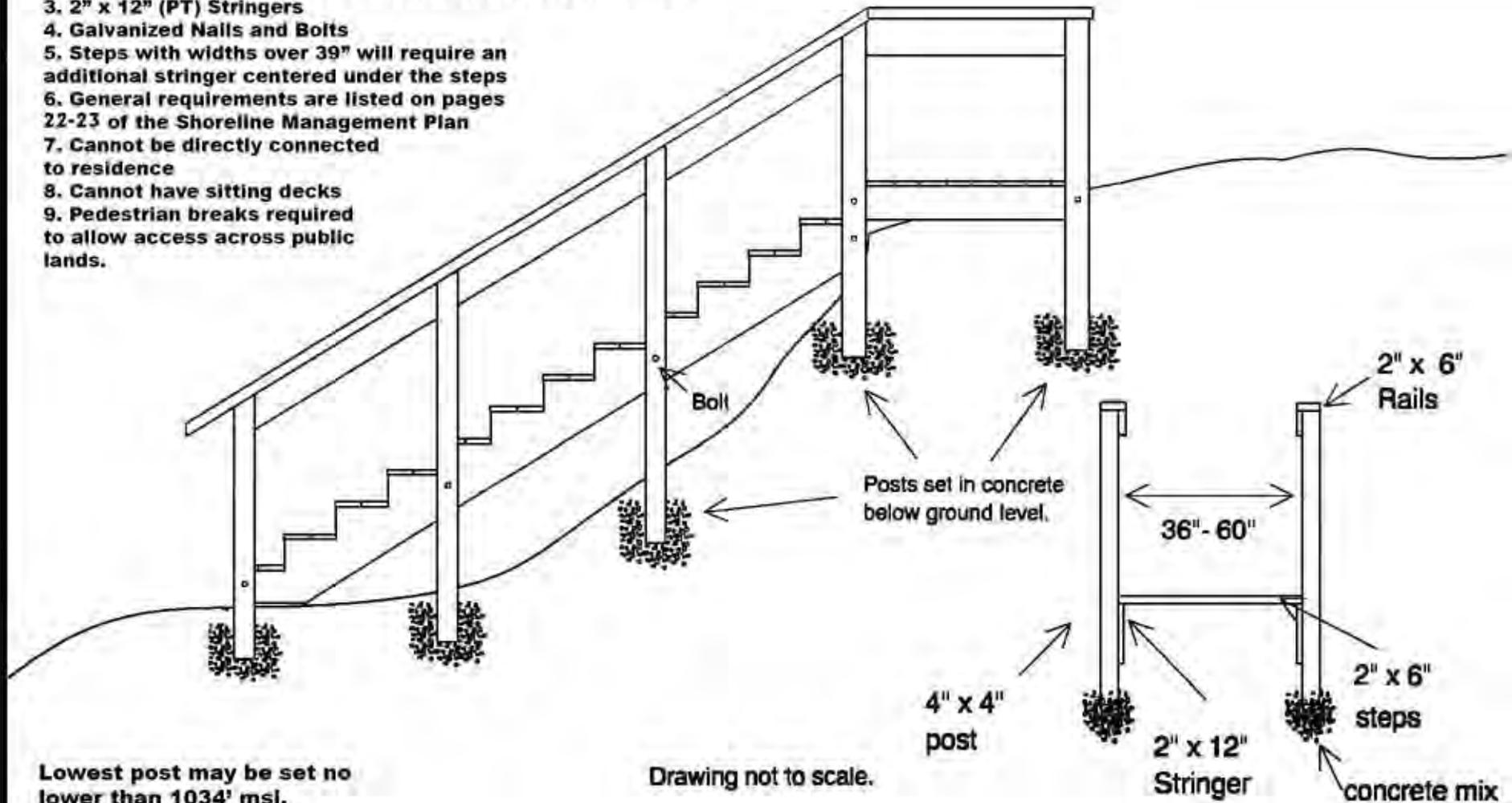


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EXHIBIT 15: Approved Drawing of Typical Stairway W. KERR SCOTT DAM AND RESERVOIR

Materials List

1. 2" x 6' Pressure Treated (PT) Handrails and Steps
2. 4"x 4" (PT) Post Set in Concrete (18" Depth Recommended)
3. 2" x 12" (PT) Stringers
4. Galvanized Nails and Bolts
5. Steps with widths over 39" will require an additional stringer centered under the steps
6. General requirements are listed on pages 22-23 of the Shoreline Management Plan
7. Cannot be directly connected to residence
8. Cannot have sitting decks
9. Pedestrian breaks required to allow access across public lands.



Lowest post may be set no
lower than 1034' msl.

Drawing not to scale.

EXHIBIT 16

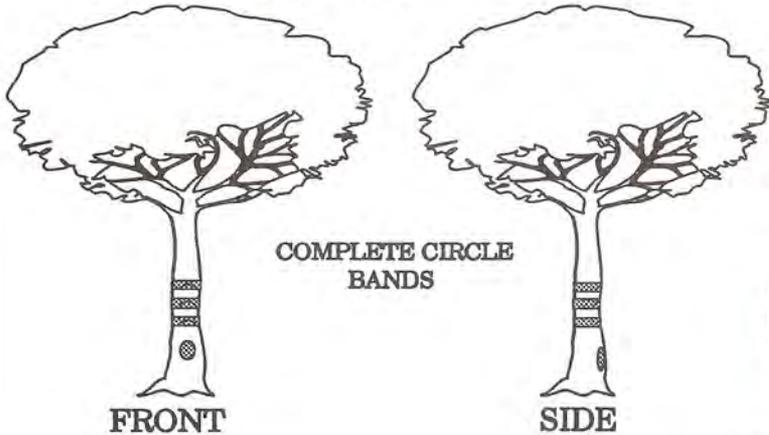
Boundary Line Markings



US Army Corps
of Engineers
Wilmington District

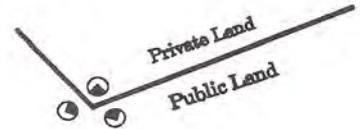
EXHIBIT 16: BOUNDARY LINE MARKINGS W.KERR SCOTT DAM AND RESERVOIR

Witness trees in Wilmington District are painted orange to delineate the boundary line. Where trees are not available, a similarly marked metal or fiberglass post is used. A survey by a licensed surveyor will be necessary to determine the exact line location. The types and meanings of the markings are illustrated below.



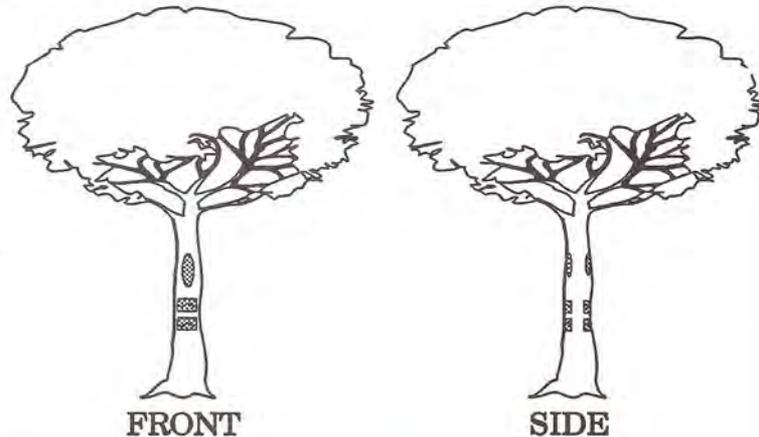
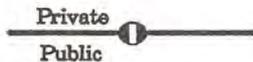
WITNESS TREE FOR CORNER

Three bands are painted completely around tree with hack marks in the band facing the corner. A blaze is located approximately waist high facing the corner.



IN LINE TREE

Two bands each are painted on opposite sides of the tree in the direction of the line, with a hack cut in each band. The bands do not completely encircle the tree. A blaze is made above the bands. These markings indicate that the boundary line passes through the tree.



LINE WITNESS TREE

Two bands are painted on the tree with hacks facing in the direction of the line. The bands are painted around the edges of the tree, so that they may be seen from a distance when walking the line. These trees are normally on government property. Note that these trees are not the boundary line; they only illustrate on which side the boundary line falls.

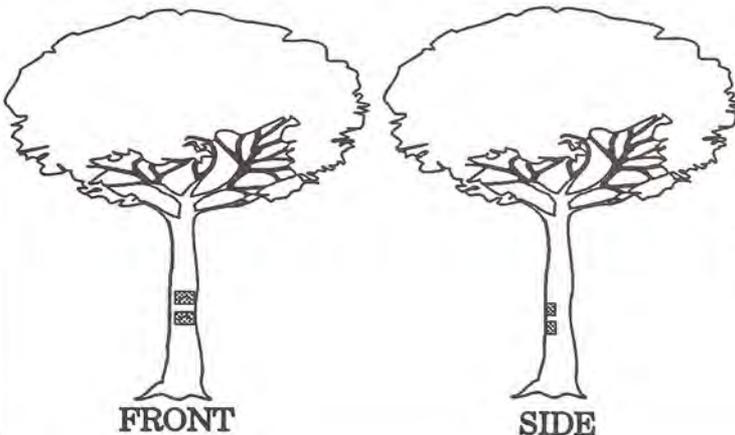
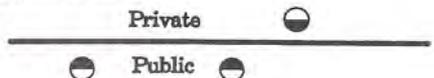


EXHIBIT 17

Approved Erosion Control Activities

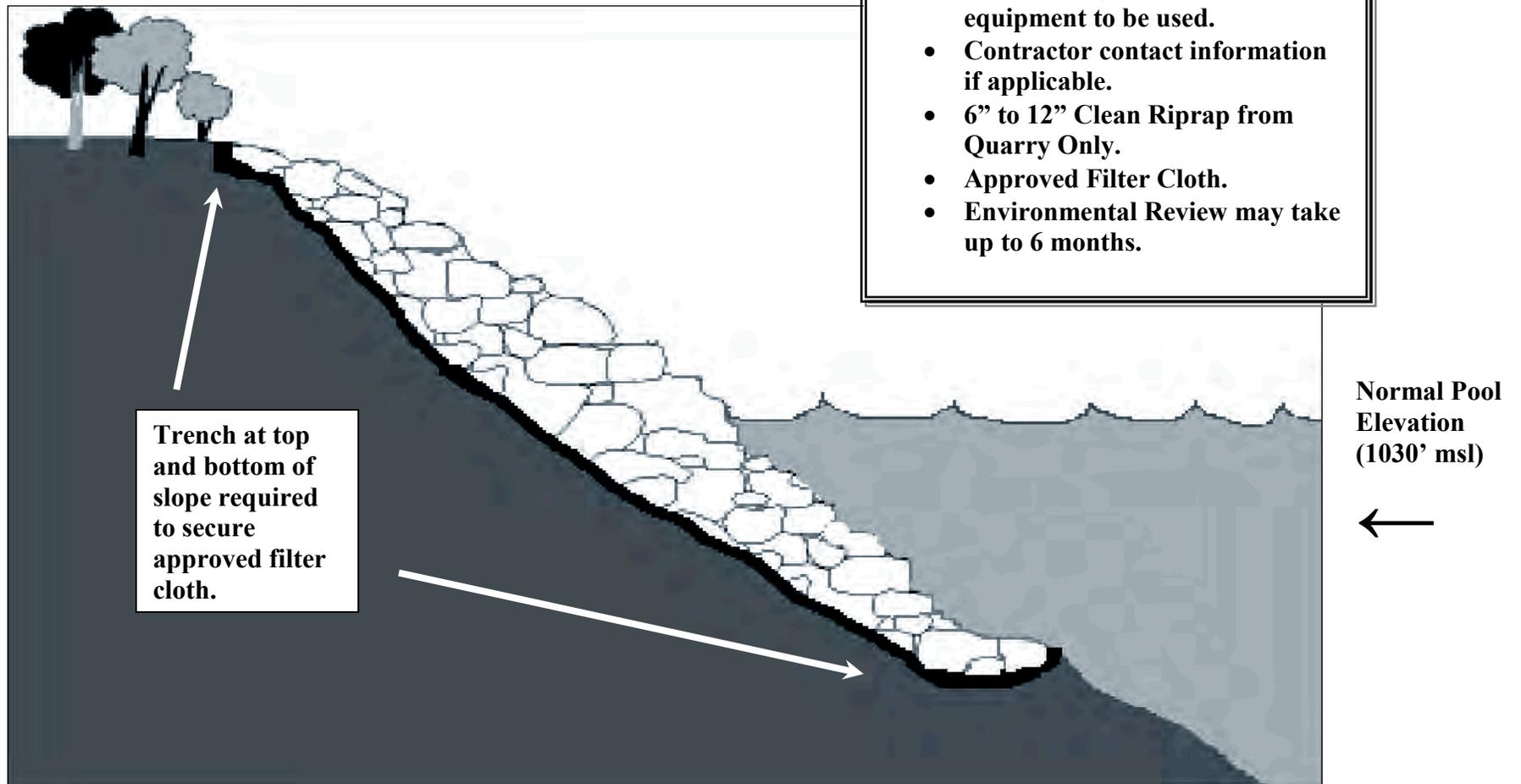


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EXHIBIT 17: APPROVED EROSION CONTROL ACTIVITIES W. KERR SCOTT DAM AND RESERVOIR Cost Free Permit

REQUIREMENTS

- Plan including contact information, materials list and equipment to be used.
- Contractor contact information if applicable.
- 6" to 12" Clean Riprap from Quarry Only.
- Approved Filter Cloth.
- Environmental Review may take up to 6 months.



Drawing Not To Scale