

APPENDIX F
LAKE LANIER
SHORELINE MANAGEMENT PLAN

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1. Purpose

The purpose of the Shoreline Management Plan (SMP) is to furnish guidance for the management, protection, and preservation of the lake's environment while allowing a balanced use of the Shoreline. However, the guidelines primarily address the private use of 'Limited Development Areas' (LDA). The plan also considers means of restoration of the shoreline where excessive use, misuse or degradation may have occurred. **During this update the name of the plan will be changed to the SMP as described in Corps regulations. Additionally, the use of modern technology, not available prior to this update, has been used to evaluate, locate and measure the geographical features of Lake Lanier. The corresponding changes are represented in this plan update.**

Please note that the text shown in bold print is new to the SMP. This was done to highlight the changes to the SMP and to allow the reader to readily identify these changes. The bold print will be removed in the final version of the SMP.

2. Objectives

The objectives of the SMP are:

- A. To insure availability and provide access to project lands and waters while maintaining the shoreline for general public use.
- B. To provide a level of recreational opportunities that does not overly impact project lands and waters.
- C. To promote a reasonably safe and healthful environment for project visitors.
- D. To respond to changing land and water conditions.
- E. To manage project lands in a manner that will conserve natural resources and environmental quality for future generations.
- F. To give special consideration for the protection of threatened and endangered plant and animal species.
- G. To manage recreational and natural resources in a manner that is responsive to the general public.
- H. To reduce or prevent long-term damage or hazards from insect, animal, and other pests.
- I. To manage project shorelines to properly establish, enhance, and maintain acceptable fish and wildlife habitat, aesthetic quality, and sustain natural environmental conditions.
- J. To provide public services through commercial sites and marinas.
- K. To preserve important historic, cultural, and natural aspects of our heritage.
- L. To manage private exclusive use of public property, in a manner that provides the least impact on public use.
- M. To establish a means of education and communication with the project user.
- N. To further provide for the protection of public land and water.

3. Authority

This program has been prepared in accordance with the requirements of Engineering Regulation (ER) 1130-2-406, "Shoreline Management at Civil Works Projects", originally dated December 13, 1974, amended October 31, 1990/September 14, 1992.

4. Jurisdiction

The Corps of Engineers has Proprietary or Managerial jurisdiction on Corps managed Federal lands. Under Section 234 of the Flood Control Act of 1970 certain project personnel may enforce CFR Title 36 part 327 (see Exhibit 11). Under Section 10 of the Rivers and Harbors Act of 1899, as amended and Section 404 of the Clean Water Act of 1977 certain Corps personnel may enforce portions of CFR Title 33 part 200. The State of Georgia and its political subdivisions retain statutory responsibility to enforce state and local laws.

5. Authorized Project Purposes

Congress authorized construction of Lake Lanier in 1946. It became the northern most link in a series of Corps of Engineers built lakes on the Chattahoochee, Apalachicola and Flint River systems. Construction was started in 1951 and completed in 1956 and the lake was fully operational in 1958. The projects current purposes are:

- 1. Flood control-During times of heavy rainfall, run-off waters stored in the lake protect thousands of downstream homes, businesses and farmlands from flooding.**
- 2. Hydroelectric power production -Electricity produced by the powerhouse generators provides pollution free energy peak demand.**
- 3. Water supply and Water Quality -Water stored in the lake is the major water source for 50 % of the population of Georgia.**
- 4. Navigation -Water stored at Lanier can be released to increase downstream river depths allowing commercial barge navigation of the Lower Chattahoochee River.**
- 5. Recreation -Millions of visitors visit the project annually to enjoy the recreational opportunities the lake provides.**
- 6. Fish and Wildlife Management -The Corps of Engineers and Georgia Department of Natural Resources work jointly to implement management plans to ensure protection and enhancement of these resources.**

6. Project Statistics

Lake Lanier is one of the Corps of Engineers most visited projects. From 1994 visitation has increased steadily from 6.7 million visitors to 7.8 million visitors in 2000. As metropolitan Atlanta expands northward usage continues to increase. Future projections for the regions population indicates continued growth.

See Exhibit 2 for a complete list of project data. See Exhibit 2 for a detailed list of project statistical information.

7. References

- A. National Environmental Policy Act of 1969, as amended
- B. Federal Water Pollution Control Act (Clean Water Act of 1977)
- C. Rivers and Harbors Appropriation Act of 1899, as amended
- D. Fish and Wildlife Coordination Act of March 10, 1934, as amended
- E. Endangered Species Act of 1973
- F. Public Law 86-717, 74 Statute 817, Forest Conservation
- G. Public Law 99-662, Section 1134(d), Water Resources Development Act of 1986
- H. Executive Order 11752, 'Prevention, Control, and Abatement of Environmental Pollution at Federal Facilities.'
- I. Code of Federal Regulations, Title 36, part 327 to end
- J. Code of Federal Regulations, Title 33, part 200 to end
- K. Engineer Regulation 405-1-12, chapter 8, Real Estate Handbook
- L. Engineer Regulation 1130-2-400, Management of Natural Resources and Outdoor Recreation at Civil Works Water Resource Projects
- M. Engineer Regulation 1130-2-406, Shoreline Management at Civil Works Projects
- N. SADVR 1130-2-12, Construction of Boat Launching Ramps by Non-Government Groups
- O. SADVR 1130-2-14, Use of Lakeshore Land and Water Areas for Minor Private Purposes

- P. SAMOM 1130-2-2, Permitting Procedures for Private Floating Docks
- Q. MOBDR 1130-2-7, Permit System for Lakeshore Activities
- R. Master Plan, Lake Lanier 09/25/1987
- S. SAM SOP 1130-1-1, Resolution of Encroachments and Trespasses
- T. Environmental Impact Statement for Operations and Maintenance at Lake Sidney Lanier 2002
- U. EP 1130-2-550 Project Operations - Recreation Operations and Maintenance Guidance and Procedures

8. Project Description and History

The Corps of Engineers has developed a Geographical Information System (GIS) to produce more accurate statistical data. This information is presented in this SMP update. As a result, Lake Sidney Lanier now has 39,038 surface acres at pool elevation 1071 mean sea level (MSL). Due to Lanier's length and irregular shape it provides a shoreline of approximately 693 miles. Terrain surrounding Lake Sidney Lanier has rather strong relief with the greatest being to the north and northwest of the lake. The Chattahoochee River and its tributaries have cut deep ravines through the Piedmont Plateau producing numerous islands and promontories that offer superb vistas of the water and opposite shoreline. Streams flowing through the hilly, rugged terrain join to form a very irregular and interesting shoreline.

The shoreline topography varies from rolling to steep. Portions of the shoreline planned for launching ramps, parking areas, picnic areas, swim areas and campgrounds have slopes varying from 5 to 12 percent. The balance varies from 5 to 30 percent with occasional steeper slopes.

9. Master Plan

The purpose of the Master Plan is to provide a comprehensive guide for orderly development of project resources in accordance with established laws, regulations, and policies. The first Master Plan, approved on April 29, 1965, established 83 public recreation areas.

Amended on February 24, 1967, this plan allocated 38 areas available for lease to certain quasi-public type organizations. Lake Lanier's current Master Plan was approved September 25, 1987 after 8 years of development. Following approval of the Master Plan, a five year Operational Management Plan for natural resources and park management was developed by the field office. One of the many components of the Operational Management Plan is shoreline management.

10. Preliminary Planning

The regulation establishing the Lake Sidney Lanier SMP (ER 1130-2-406) was first approved in 1974 **then updated in October 1990, September 1992 and May 1999**. The development and implementation of Lanier's first SMP took place during 1975-76. Final approval of the plan by the State of Georgia and the South Atlantic Division Commander was received in 1979. The regulation also requires five (5) year reviews and periodic updates as necessary. During the 1984 review it became apparent that a major update was necessary. The updating of the 1979 plan was completed and approved by the South Atlantic Division Commander on January 28, 1988.

During the years that followed, the SMP was reviewed without modification pending an update of the Lake Lanier Environmental Impact Statement (EIS) as required by the National Environmental Policy Act (NEPA). The initial Environmental Statement was completed in 1974 and is not inclusive of current plans and operational conditions. A current EIS was considered crucial prior to the updating of the SMP. These two efforts, which are separate processes with separate goals, will complement and support each other to provide the Corps with current tools and documentation to help guide the management of Lake Lanier into the future. This updated SMP represents the shoreline management component of the preferred alternatives that have been evaluated and listed in the EIS.

11. Public Involvement

Notification was provided to the appropriate congressional delegations, local elected officials, and other Federal and State agencies responsible for various aspects of Lake Lanier. On September 20, 2001, the Corps of Engineers hosted a focus group meeting to initiate the public process. The focus group consisted of members representing a variety of backgrounds and interests including area residents, water quality experts, developers, lake related commercial interests, state and local government, environmental and special interest groups.

The public process continued with three public meetings in the Lake Lanier area. Each public meeting was conducted as an open house allowing interested parties to attend between the hours of 1:00 pm and 9:00 pm. Participants were given focus group summaries and comment sheets to facilitate their feedback. Comments were

provided in person, by mail, and at the projects website. Public meetings were held at the following locations:

Gainesville College Oakwood, GA, October 22, 2001

Sawnee Center, Cumming, GA, October 25, 2001

Gainesville Civic Center, Gainesville GA, Nov 7, 2001

Following the public meetings and the preparation of the Preliminary Draft SMP a second focus group meeting was held on September 9, 2002. Additionally, the plan was reviewed by the Corps Mobile District office prior to being presented to the public in final draft form on November 19, 2002.

12. Private Boat Dock Carrying Capacity

In support of the SMP update and in conjunction with the EIS, a Private Boat Dock Carrying Capacity Study was completed. This study was conducted to examine the relationship between private boat dock permitting guidelines at the lake and future shoreline dock density. The study focused on one aspect of the future management of Lake Sidney Lanier: To determine the maximum number of private boat docks that could be permitted within limited development areas (LDA). The study, therefore, estimates the maximum number of private boat docks under a variety of different alternatives. The alternatives differ primarily in how boat docks are spaced along the shoreline. The purposes of the study were as follows:

- To examine data related to current number and density of private boat docks on Lake Lanier.
- To determine the effect of current Corps private dock permitting practices on LDAs.
- To determine potential future lake condition based on different dock permitting scenarios.
- To determine the potential number of boat docks the lake could accommodate in accordance with applicable regulations.
- To suggest changes to SMP guidelines to ensure a healthy future lake.

Based on the study management objectives were developed to include the total number of future boat docks. An evaluation of the entire Limited Development Shoreline zoning on Lake Lanier revealed that a total of 10,615 boat docks could be permitted.

Once the total number of docks (10,615) is reached no new permit requests will be accepted. Appropriate public notice will be issued before saturation is reached. It is anticipated that the historical average number of new permits issued each year (150) will remain constant. At this rate it could take ten years to reach the maximum 10,615 permits identified in the Boat Dock Carrying Capacity Study.

Table 2-14
Summary of Future Dock Permitting Scenarios

| Scenario | Number of Existing Docks ¹ | Potential Additional Docks | Potential Total Docks | Percent Change in Number of Docks |
|-----------------------|---------------------------------------|----------------------------|-----------------------|-----------------------------------|
| No Action | 8,593 | 16,734 | 25,327 | 195 |
| Preferred Alternative | 8,593 | 2,022 | 10,615 | 24 |

¹ Includes 8,348 private boat docks and the equivalent of 245 boat docks in community docks.

13. General Shoreline Allocation

The increased use of public land and rapid development of adjacent private properties prompted the creation of the SMP. This plan is a guide for the protection, development, and balanced use of the lake's shoreline. The plan has been developed in accordance with applicable regulations and policies. In part, the initial purpose of the SMP was to zone various segments of the shoreline to aid in the protection and orderly management of a diversely used resource. The shoreline allocations are depicted on map pages located at the Operations Managers Office or at <http://gis.sam.usace.army.mil>

Lake Lanier Shoreline Allocations
(Elevation 1071 feet msl)

| Allocation ¹ | Shoreline Length (miles) | Percent of Total Shoreline | Acres | Percent of Project Property |
|---|--------------------------|----------------------------|-----------------|-----------------------------|
| Limited Development Areas (LDA) | 344.70 | | | |
| LDA in water ¹ | 9.13 | | | |
| Total LDA | 353.83 | 47.0% | 6,186.6 | 34.9% |
| Protected along <i>main</i> shoreline | 177.44 | 23.6 | 5,079.8 | 28.6% |
| Protected in water | 3.14 | | | |
| Protected along <i>island</i> shoreline | 59.28 | 7.9% | 1,083.9 | 6.1% |
| Total Protected | 239.86 | 31.9% | 6,163.6 | 34.7% |
| Recreation along <i>main</i> shoreline | 136.80 | 18.2% | 4,479.1% | 25.2 |
| Recreation in water | 0.28 | | | |
| Lake Lanier Islands Resort islands | 19.53 | 2.6% | 850.4 | 4.8% |
| Total Recreation | 156.61 | 20.8% | 5,329.5 | 30.0% |
| Prohibited Areas | 1.74 | 0.2% | 64.9 | 0.4% |
| Total Allocation | 752.05 | 100.0% | 17,744.6 | 100.0% |
| Total Main Shoreline² | 692.77 | | | |
| Total Island Shoreline | 59.28 | | 1,083.9 | |
| Total Shoreline | 752.05 | | | |
| Total Lake Surface Area at 1,071 | | | 39,038.1 | |

¹“In water” refers to areas where the Corps boundary runs into the water. It is assumed that the shoreline paralleling these segments is of the same allocation as the adjacent shoreline segments.

² Includes Lake Lanier Islands Resort islands.

To maintain a balance between public and private uses, areas presently allocated as "Public Recreation and Protected Shoreline" must be preserved and not converted to "Limited Development Areas". As demands for recreation increases, these areas will be available for future development. Some of these areas may remain undeveloped, but even when left undisturbed, provide considerable value to the project for current and future generations. These values include, but are not limited to timber, wildlife, aesthetics, and natural areas for general public uses such as hiking, fishing or picnicking.

13.1 Prohibited Access Areas

This classification protects certain project operation areas and the recreational visitor. Although restricted visitation is allowed at most of these sites, Shoreline Use Permits are not issued for these locations. The only areas allocated under this classification are in the proximity of the powerhouse intakes, dam, saddle dikes, spillway, tailrace, and Corps marine yard. Less than two miles of shoreline is classified as "Prohibited Access". These areas are shown in orange on Exhibit 1.

13.2 Protected Shoreline Areas

Areas are designated "protected" to preserve the scenic appeal of a lake that has become urban; to avoid conflict between private and public uses; to protect specific habitat for fish and wildlife; to protect cultural historical, and archaeological sites; to protect endangered species; to protect navigation channels; to restrict placement of floating facilities in areas too shallow for navigation or too exposed to winds and currents; and to protect important natural formations and vistas.

Passive recreational use is permitted along protected shoreline provided that aesthetic, environmental, historical, or natural resource values are not negatively impacted; however, private recreational facilities will not be authorized at these locations. Approximately 24 percent of the shoreline is allocated in the "Protected" classification. Additionally, all islands with the exception of those leased to Lake Lanier Islands share this allocation zoning. These areas are shown in yellow on Exhibit 1. Public safety, environmental stewardship and sustainability are the Corps principal concerns along common boundaries fronting protected shoreline.

13.3 Public Recreation Areas

Although most of the project is considered available for limited recreational purposes, specific areas are set aside for intensive recreational development and use. These sites include campgrounds, day-use parks, primitive or natural areas, lands leased to public

groups and other local, state or federal agencies for recreational use or development and marine services.

Permits for private shoreline use facilities are not granted in public recreation areas. Commercial activity is prohibited in all of these areas without a permit. Authorization for any commercial activity is restricted to those sites currently designated for commercial purpose. These sites include the lake's marinas, **leased club sites** and the Lake Lanier Islands complex. The Corps primary management concerns in public recreation areas are to provide sites suitable for quality recreational experiences with facilities that can sustain intensive use, are vandal resistant, reasonably safe, and large enough to support normal weekend use during the peak recreation season. Locations of these sites are shown in red on Exhibit 1. Approximately 21 percent of the shoreline is classified as 'Public Recreation'.

13.4 Limited Development Areas

Specific private uses of public lands may be permitted along shoreline designated 'Limited Development' as identified on Exhibit I. Permit applications will be considered individually on their own merits utilizing SMP guidelines. Comparisons to other existing situations are not practical due to the evolution and changes in public laws, regulations, and policies. The issuance of a Shoreline Use Permit/License does not preclude use of the shoreline by the general public. However, personal properties authorized for placement are the permittee's private belongings. Unauthorized intrusion upon private floating facilities or picnic shelters is considered a trespass and could be reported to the proper local authorities. However, pedestrian traffic and general public use of the lake and shoreline cannot be restricted or denied. Permit holders who attempt to preclude such uses are in violation of permit conditions and are subject to enforcement action as well as permit revocation requiring removal of all previously authorized facilities.

Approximately 47 percent of shoreline is classified as 'Limited Development'. These areas are shown in green on Exhibit 1.

14. Permits For Other Shoreline Uses

As with any large multi-use facility the demand for space on Lake Lanier must be regulated to encourage proper utilization and promote public safety. It is the intent of this section to describe the activities that are allowed and what permits are applicable other than those authorized by a Shoreline Use Permit/License. **All permit requests are subject to review and may be granted only if public law and regulatory guidance are met and do not violate the Corps commitment to environmental stewardship and sustainable management principles.**

14.1 Special Event Permits

Special Event Permits are required for recreational use of the project when more than 25 persons or vessels are involved in a proposed activity. Generally speaking it is not the intent of this program to deny use of the project. It is, however, necessary to insure that environmental issues are addressed; that regulatory guidance is reviewed; that public safety is considered; that space is available; that the rights of others are not effected; and that the activity can in-fact be authorized. Permits issued by the Corps for special events do not relieve the permittee from obtaining similar local or state authorization, if required. Examples of special events permits are sailing regattas, fishing tournaments, company or corporate outings, water ski demonstrations, etc. Fees may be assessed.

14.2 Specified Act Permits

Specified Act permits may be granted to perform certain one-time only acts of a minor nature such as removal of hazardous trees, exotic plants such as kudzu or English ivy, or noxious plants such as poison oak/ivy, or sumac; plant native species; establish footpaths; etc. The permit will detail the authorized work including the methods to be employed, time frames, location, equipment to be used if any, and restoration of public land if necessary. A drawing or plan including photographs may be required. The Specified Acts Permit is issued for short term only. Specified Act Permits are not issued for activities that will damage, destroy or significantly alter public lands. Each request for a Specified Acts Permit will be reviewed based on environmental law and regulation and authorization will be based upon the projects own merits.

14.3 Section 404 and/or Section 10 Permits

Lake Lanier is considered both Waters of the State of Georgia and Waters of the United States. Permits are issued pursuant to the authority granted under Section 404 of the Federal Water Pollution Control Act (Clean Water Act) and Section 10 of the Rivers and Harbors Appropriation Act of 1899, as amended. All requests are subject to the Endangered Species Act, the National Environmental Policy Act, and the Fish and Wildlife Coordination Act. Certain activities such as dredging, riprapping, construction of outfall lines, intake structures, other fixed structures, fill and the discharge of dredged or fill material, etc., into either navigable waters or waters of the U.S. may be permitted in accordance with CFR

Title 33 parts 322 & 323 provided it is not prohibited by CFR Title 36 part 327, the shoreline management plan, environmental law, or the public review process.

Lake Lanier, as well as the other Mobile District water resource development projects within the state of Georgia, is granted Regional Authority to issue permits by the Savannah District Regulatory Functions Branch. The Savannah District Engineer has issued 16 regional permits that can be issued by the Operations Manager for minor structures and activities in waters of the United States if authorized by the SMP.

Regulatory permitting is completed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act of 1977. Typically, permits are issued for shoreline stabilization and dredging activities that are performed by adjacent landowners and are characterized as minor in nature. **Applications for permits must contain plans and specifications that sufficiently depict the actions requested and clearly indicate that work will be performed in compliance with permit conditions. Regional permit requests can be considered for each adjacent landowner, however, work performed under previous permits for similar actions nearby should be considered for consistency and compatibility. For this reason, riprap is the preferred method of shoreline stabilization. Sea walls and gabion baskets will be considered only when rip-rap is not a functional alternative.**

Individual and nationwide permits are used to authorize projects that exceed the Regional Permits limitations. These activities include large scale dredging projects to a single entity and structures that require dredging or shoreline stabilization. Individual and nationwide permits require coordination with project staff and the North Area Section Office of the Savannah Regulatory Functions Branch. Pre-construction meetings often identify potential controversy and allow the applicant to anticipate potential impacts. All applications for work on Lake Lanier must be submitted to the Lanier Project Management Operations office. Exhibit 7 provides more detail of items possibly permitted under Sections 404 and 10.

14.4 Nationwide Permit

The authority to initiate permits for activities of a minor nature relative to Section 404 and Section 10 Permits (item 13.3) has been delegated to Corps field offices. The parameters have been established in CFR Title 33 and are implemented through the Specified Acts Permit form. Violations of the permit are generally addressed through CFR Title 36 as petty offenses. Restoration and/or restitution are also employed as a means of corrective action.

15. Shoreline Use Permit/License

This is a **temporary** permit used to authorize specific private use of public shoreline designated as "Limited Development". Authority to issue these permits has been delegated to the Operations Manager and is issued for the purpose of recreational use only.

Permittees must remain in compliance with the terms and conditions of the permit, the

Shoreline Management Plan, SAM-SOP-1130-1-1, ER 1130-2-406, and Code of Federal Regulations Title 36 Section 327 to remain valid. A list of facilities that can be authorized is identified in Exhibit 9.

15.1 Eligibility Requirements

Permits may be issued in “Limited Development” areas only. The permit will be issued for a maximum of a five-year period. The permit may be reissued when the current term expires **if the permitted facilities and uses of public land are in compliance with the conditions of the permit.** Permits are non-transferable. They become null and void upon sale or transfer of the property associated with the permitted facilities or the death of the permittee. **New owners must notify the Operations Managers office of their purchase and make application for a new permit**

To reduce environmental impacts to public property, community docks are now the preferred method of shoreline access and boat moorage. Community docks focus shoreline facilities in the most desirable location taking advantage of maximum water depth, slopes used for access and allow for the protection of important natural features. Property owners benefit from an upfront knowledge of the available permitted actions and can pursue completion without the delays associated with individual permitting. This concept supports local municipal zoning ordinances requiring “Planned Community Developments” or PUD “Planned Unit Developments”.

For this reason, community docks are required for all new residential developments where their use would reduce negative environmental impacts and provide greater protection of public land. New residential developments are defined as a property or properties receiving final plat approval after the implementation date of this plan. If the development is a PUD then community docks will be required. When evaluating requests for new docks the total shoreline frontage associated with the private property will be identified. If the multi-slip facilities can be accommodated within 20 percent or less of the total leaving 80 percent or more to be rezoned as protected shoreline, a community dock will be required. Requests that do not meet this guidance can be further evaluated based on their environmental benefits and public interest. If site conditions prohibit the use of a community dock the Operations Manager may permit a variance for the use of private individual docks. It is not intended that this use be applied to an existing isolated lot. A community dock is intended to provide access to property owners, who would have otherwise qualified for a private individual dock under the guidance set forth in this plan.

Following the issuance of a community dock permit the remaining shoreline and adjacent public property will be rezoned as “Protected”. No new private boat dock facilities will be permitted at these locations. The Corps will encourage existing private dock permittees in previously developed areas who are desiring to replace facilities to use community docks when appropriate. The use of a community boat ramp with a courtesy dock may be substituted for multi-slip docks to provide lake

access to more of the residents. However, parking facilities and boat storage will be maintained on private property.

Property owners may establish an association for a jointly owned courtesy facility on public land where private lands provide common access to public property. Such facilities are for all residents of the subdivision. Floating facilities authorized through associations are for courtesy use only, not for overnight storage or mooring purposes. Courtesy docks may not exceed 192 square feet.

Site appointments are required with an area ranger prior to the issuance of a permit for private docks and related facilities. Appointments will be scheduled through the Operations Managers Office. During the appointment rangers will evaluate the location and facilities requested and provide an application package if site requirements are met (see section 15.2 Site Requirements). The location of facilities will be identified and reserved for a 90-day period from the date of the appointment. If applications are not received within this period the site will no longer be reserved. Once the application package is received the eligibility requirements will be evaluated, if all criteria are met then the facilities requested will be authorized by permit.

For those individuals who may qualify for private dock permits the following requirements apply. Individual lots must have a minimum of 82 feet of private land adjoining public property. This frontage must provide unrestricted legal access to public lands that are zoned "Limited Development". This requirement is not intended to apply to existing platted lots previously eligible for permit unless modified. Proof of the required access may be satisfied by submitting either a copy of a recorded deed containing an adequate legal description or notarized closing statement. **Either document must be accompanied by the current property plat. Failure to provide proof of ownership, access, and a plat will result in denial of a request.**

Only one dock permit will be allowed per **household**. Multiple persons listed on a deed will be considered as one adjacent landowner and therefore ineligible for new permits. Permits will be issued on a first applicant basis. Permits are not issued for speculative purposes, enhancement of private property or to persons renting private property. The permittee must be the primary user and owner of facilities permitted. Permits are not issued to minors.

Permits are temporary in nature with termination dates. The issuance of a permit is a privilege and does not infer private ownership or rights to public lands. **Under no circumstances should any individual proceed with installation of facilities until a valid permit is in hand.** Structures placed on public lands via a Shoreline Use Permit/License are private property on public lands authorized only for the term of the permit.

15.2 Site Requirements

Proposed locations for placement of facilities via permit must conform to the SMP and Allocation Map (Exhibit I). This map identifies the zoning of all public lands. New facilities will be considered in "Limited Development" shoreline only. Additionally, the

location of the proposed facilities must not cause a safety hazard to the applicant/user or general public. **Shoreline stabilization measures (rip-rap) may be required with the issuance of new permits that require fixed steps or are located on sites already significantly affected by erosion. Regional permit authority for steps is limited to a maximum of 20 feet in length and not extend more than 10 feet lake ward from the top of the bank (see Exhibit 4). Shoreline areas that require more than the maximum length of steps will be considered unsafe and grounds for permit denial and rezoning.**

The selected site for any floating facility must be at the nearest point of shoreline to the adjacent owner's private property. Distance to the nearest point on water has no bearing on the issuance or denial of a permit. Deviations of not more than one hundred (100) feet left or right of this point may be considered if water depth or spacing is a problem. However, placement should not be made that would produce a crossing or crossover situation; meaning that an applicant's facilities should not go beyond existing neighboring facilities. Crossover situations cause community discord and therefore, **will not be authorized.** Private property lines do not extend onto public lands and do not indicate rights or privileges to or on government property not afforded any other member of the general public; nor does adjacent land ownership guarantee privacy or imply exclusive use of public shoreline.

The proposed location for any new floating facility must provide at least a fifty foot (50) foot buffer area between existing or proposed structures at full pool elevations. This buffer is from the nearest point of one facility to the nearest point of the second facility and applies to across cove situations as well.

In an effort to provide for safe navigation, reduce potential environmental damage, and improve aesthetics, the length of a vessel allowed at a private dock will be determined by length of the dock, mooring safety requirements and site conditions. Generally, boats that create blind spots, diminish boating safety, or exceed the docks ability to safely moor and protect from storm damage must be stored in marina facilities. Permittees may not rent out moorage space on private docks and in no case shall a vessel be moored to another vessel.

All intended boat-mooring sites will allow for six (6) feet of water under the dock at the dock's lakeside or slip end to prevent damage to boating equipment and to allow for water fluctuation. This requirement is subject to change based on the outcome of the ACT and ACF Water Allocation Compact Study and its effects on the future lake levels at Lake Lanier.

At locations selected for private floating facility the center one-third of the cove or channel must be left open for navigation. **Community docks require one half of the cove be left open for navigation.** At no time may the length of any dock including any moored vessel extend into this protected **navigation channel** at full pool elevation. Corps policy is to regain this navigable space when considering replacement facilities under existing permits. All new facilities will be placed or replaced in such a way as to have the least impact on navigation. During periods of low water navigation channels will not be obstructed.

Permits may not be issued in "Limited Development" zoned locations where endangered species exist, at cultural or historic sites, **areas where the shoreline slope can not be accessed with the maximum authorized fixed steps**, or in areas determined to be wetlands in accordance with CFR Title 33. Such locations will be rezoned to 'Protected' shoreline.

15.3 Floating and Landbased Facilities

The Operations Manager is authorized to issue a Shoreline Use Permits/License for a floating facility, utility rights-of-way, improved shoreline access, etc. For a complete list of the items currently authorized as well as those "Grandfathered" see Exhibit 9.

15.3.1 Floating Facility Types

In accordance with ER 1130-2-406 floating facilities will be permitted for the purpose of docking or mooring a vessel for private, not commercial use. It is important to note that the permit calls for a floating facility not fixed or suspended and the permit is issued for the purpose of boat storage and related boating apparatus only.

Private floating facilities eligible for permitting are as follows:

Boat dock: A structure with or without a roof, without sides/walls (completely enclosed) unless existing and grandfathered, with a storage slip(s) for docking or mooring a vessel. Such structures will not exceed a maximum dimensions of 32' X 32'. The aggregate slip size will not exceed 20' (feet wide) by 28' (feet long). Walkways must be a minimum of 4' wide. The maximum dimension will include any platform/deck added or constructed to the docking facility. The maximum dimension of any attached platform/deck will not exceed 192 square feet. For the purposes of determining width from length on any type of floating facility, width will always be that portion parallel to the shoreline; length will always be that portion perpendicular to the shoreline. NOTE: The smallest dock to be permitted will be no smaller than 18' X 24' feet providing a 10' X 20' foot slip. All new dock construction will be open-sided (without sides/ walls) due to inspection requirements; unauthorized use and storage (indicating human habitation and unsanitary conditions); reduced visual obstruction to shoreline esthetics; and reduced storm and wind damage to the structure. A roof with straight-line design and minimum pitch from the centerline ridge is recommended. Roof decks will be allowed, but structural integrity is critical when covered with furniture and occupied by several persons (cases of collapse have been recorded).

Platform/T-dock: **no permits for private use will be issued for new platform/T-Docks due to safety concerns and general unsuitability as a mooring facility. Existing docks of this configuration that are currently authorized under permit will not be affected by this change in policy.**

Mooring Buoys: Although provisions for mooring buoys are provided in ER 1130-2-406, these are no longer permitted on Lake Lanier due to the demand for public space and previous safety problems caused by their presence.

15.3.2 Dock Flotation

Flotation material is a substance used to float a mooring facility on the waters surface. 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. 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.

15.3.3 Dock Structural-Support Systems

Materials commonly used for joist's, rafters, studding and decking are wood and/or metal. **All wood shall be pressure treated with environmentally friendly chemicals, arsenic treated wood materials are prohibited.** Metal decking is discouraged due to repair difficulties and slip hazards once the metal becomes damp from mud, rain, ice or snow. Metal should primarily be used for support functions not decking. **Metal decking, if used, must be designed for this purpose and have a nonskid tread.**

Wood construction is considered unsafe when nails, bolts, or screws are protruding to cause a trip hazard; when materials become partially decayed or slick from use; when materials become ripped, jagged, pointed, splintered from wind or other factors; when wood supports and decking become loose or missing, when wooden materials protrude beyond the defined limits of the structure's approved dimensions.

Metal construction is considered unsafe when it becomes pointed, sharp or jagged from wear, rust or wind damage; when bolts, screws, etc., become loose causing a trip hazard or allowing the structure to become partially unstable; when metal joints lose structural strength due to broken welds or rust; when metals protrude beyond the defined limits of the floating facility's approved dimensions; or when portions of metal decking is missing. Under these and other unsafe conditions the permittee must repair, remove and/or replace the facility in accordance with current standards.

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

15.3.4 Dock Ramps and Walkways

All dock ramps and walkways may be constructed of treaded metal, lumber treated with environmentally suitable chemicals, or marine products with skid resistant surfaces. Coverings such as carpet limit the inspection of the facility, promote decay, and create slippery surfaces. Due to these safety concerns carpet and other unsuitable coverings are prohibited and require removal.

Unless otherwise approved dock walkways shall be at least four (4) feet, but not more than six (6) feet wide. Walkways less than four feet wide are not allowed due to safety considerations. However, walkways previously approved that are less than four feet wide or more than four (4) feet above the ground or water surface must have handrails 36-48 inches high with an intermediate guardrail approximately one-half the distance below the top rail. For the purpose of determining the dimensions of an attached platform, four feet of walkway adjacent to the slip is not considered a portion of the attached platform.

Floating ramps leading to docks will not be less than four (4) nor more than six (6) feet in width nor exceed forty (40) feet in length. **If land-based fixed steps are approved in conjunction with the approach ramp, the steps shall not exceed six (6) feet in width and be no longer than 20 feet in length (see section 15.2 “Site Requirements”).** Because fixed piers obstruct lake access during low lake levels, no new authorizations will be granted. **Additionally, ramps will not lead to the upper level/roof of a dock facility. Existing structures of this type will be grandfathered.** All approach ramps four (4) feet above water or ground surface must have handrails 36-48 inches high with an intermediate guardrail approximately one-half the distance below the top rail. All safety rails must be made of continuous rigid material. All approach ramps must be floating unless otherwise approved by the Operations Manager. All floating facilities must have an approach ramp. **The minimum approach ramp dimension is sixteen (16) feet long by four (4) feet wide.**

Walkways found to be in excess of the permitted length will generally require removal. If a determination is made that the existing length is required to meet the minimum depth standard of 6 feet at full pool and all other site requirements are in compliance an exception may be considered.

All walking surfaces of floating facilities are considered unsafe when not structurally sound; having obstructions restricting the walking surface; when not kept free of carpet, protruding nails, screws, mud, grease, oils, soaps, or any material that would create a trip hazard; when not free from excessive spring, deflection, or lateral movement; when not supported by adequate flotation; when pieces or sections of decking are missing; Handrails are considered unsafe when toe-nail construction has been used; when handrails have been installed too low or too widely gapped to be effective; or any other condition that might make the walkway unsafe.

15.3.5 Dock Roofs and Sundecks

Although roofs may be constructed to allow for an upper sundeck, applicants should be encouraged to erect floating facilities with gabled superstructure having the minimum possible pitch for the material used. Maximum slope shall not exceed 3(vertical) on 12 (horizontal). Roofs may be constructed with either wood and shingle, or metal products. If an upper roof sundeck is constructed the entire rim of the upper structure's roof-deck must be enclosed with a continuous rigid retaining rail. The rails shall be 36-48 inches high with an intermediate guardrail approximately one-half the distance below the top rail. A permanent and/or fixed bench and rail combination may be constructed along the interior perimeter of the upper roof-deck. Single level roofs are authorized, however, any type of covering that establishes a second level roof or room, whole or in part is prohibited.

Roofs are considered unsafe when there is material failure; when the substructure or superstructure is damaged, rotting, or not structurally sound; when the outer perimeter of the roof-deck is not completely enclosed; when safety rails are damaged, failing, or poorly constructed (toe-nail construction of safety rails is poor construction); when pieces or sections of decking or roofing are missing; when steps leading to the roof are poorly constructed, improperly affixed to the main dock structure not stable, etc., or any other condition that might make the roof unsafe.

15.3.6 Boat Hoists

Boat slips may contain floating or suspended hoists. Suspended boat hoists are only permitted when the applicant submits certified engineering drawings that guarantee the dock and lift capacity for the vessel being stored. Floating boatlifts must be attached to the substructure. All hoists and lifts must be constructed within the slip area **with the exception of personal watercraft (PWC) floating hoist or lifts that allow the PWC to rest on the dock. A maximum of two hoists for PWC use outside of the slip may be authorized**

15.3.7 Dock Storage Boxes

Enclosed storage on a floating facility will be limited to the maximum dimensions of 8 feet long, 4 feet wide, and 2.5 feet high. Storage boxes may not interfere with walk space. Dock storage boxes are authorized for storage of water related recreation equipment only. Boat docks are not to be used for general storage and no flammable liquids may be left unattended.

15.3.8 Dock Paint Coatings

Permittees are not required to paint metal or stain wood components of their facilities. **However, if painted, colors such as dark browns black and dark greens that blend with the natural surroundings are required. Bright colors are not authorized.** Wood surfaces may be left untreated to weather naturally.

15.3.9 Dock Anchoring

An anchorage system shall be provided which will ensure secure anchoring of the floating facility taking into consideration the water depth, exposure to wave action, and wind. Shoreline trees or other natural features will not be used as anchors. To prevent stress, floating facilities will be anchored perpendicular to the shoreline with anchor cables placed at 45-degree angles to the shoreline. **Anchor posts with sleeves resting on the lake bottom may be used with out cables, however, if this is not sufficient, cable(s) will be required in conjunction with anchor post. A maximum of two (2) anchor post can be used provided they are installed on the shoreline side of the dock.** The permit holder must ensure that floating facilities never become elevated above the ground or water, and prevent the loss of post during periods of lake level fluctuation. Anchor cables may be secured to the shoreline with metal or wooden posts, or screw augers placed so not to endanger visitors or damage vegetation. Metal anchor posts are preferred since additional grounding is afforded in case of electrical failure. Care should be exercised when installing metal anchor posts. If the metal post is driven into the ground, the metal may split or become jagged creating a safety hazard that must be corrected. The floating facility must be either floating or resting on the ground at all times.

Anchor cables may not obstruct the public's use of the shoreline or water surface. Excessive cabling is not allowed if it blocks off an area for private use. Cables exceeding 45-degree angles may require reinstallation upon inspection. Cables shall be maintained in a taut condition. Cables shall not cross those of an adjacent facility. **No other cable or anchoring devices will be permitted on the lake bottom.** Cables may not be lined with Styrofoam or plastic jugs, etc. due to aesthetics. Floating facilities should not share the same anchor post.

15.3.10 Electrical Service

Current requirements for installation and use of electric service on public lands at Lake Lanier were adopted 27 Nov 85 (See Exhibit 3). This requirement slightly exceeds the National Electric Code (NEC). This standard insists that all convenience receptacles and lighting have ground-fault protections.

Item "D-3" of the requirements advises that flexible cord types (those normally used for ship to shore power with twist lock connections) are to be used to tie service from the GFI to the dock.

Light fixtures must be shielded or otherwise constructed so that residents or boaters are not blinded by the glare from lights. Dock lighting must not protrude beyond the floating facility structure and must be pointed downward.

Regardless of the age, condition or Grandfathered provision, all electrical service must have GFI protection and be buried underground to meet requirements. Recertification is required at each permit renewal, change of ownership or at any time an inspection reveals that the service does not meet requirements. See Exhibit 3

15.3.11 Pathways and Steps

Meandering pedestrian pathways may be **created** for access to the permitted facilities at no fee. Pathways will follow a meandering route that conforms to the topography as much as possible to help prevent erosion, avoid the need for removal of vegetation, and prevent the construction of bridges or steps. **All work will be completed with hand tools only unless otherwise authorized in writing by the Operations Manager.** If surface treatment is required to prevent erosion or fill depressions, wood chips or on-site forest litter are recommended. If erosion is evident due to continued foot traffic and water run off, intermittent water breaks may be necessary.

If slopes prohibit safe access by means of a natural path then steps or a bridge creating the least environmental impacts may be authorized under permit with a fee. **Materials used to create these structures must be properly treated and environmentally friendly, no wood treated with arsenic will be authorized.** All steps must be constructed of at least 8"wide x 6" high material without borders. Every effort should be made to prevent continuous running steps. Steps may not be elevated nor create a boardwalk. Steps or landings may not be erected in a manner to create patios. Unless the steepness of the slope dictates it or handicap needs demand it, steps should be constructed without handrails. All steps must be constructed at contour or ground level. If backfilling is required, the surface treatment must be wood chips or similar mulch. Landscape timbers are not authorized for step construction due to safety considerations.

Footbridges may only be authorized if there are no other alternatives to provide safe access. Footbridges may not exceed four feet in width. All foot bridges more than four feet above the surface of the ground must have a handrail. The rails shall be 36-48 inches high with an intermediate guardrail approximately one-half the distance below the top rail. The pathway permit does not convey the right to use equipment or construct any other structure unless specifically authorized.

Pedestrian access lighting may be installed underground following the meandering footpath. Permit holders are **required** to use mushroom style lighting, not to exceed a height of two feet (2). See Exhibit 3, "Requirements for Installation and Use of Electric Service on Government Property at Lake Lanier". **Existing pathway lighting not meeting this standard will require replacement upon repair.**

Natural pathways are considered unsafe when the terrain is too steep to safely access the shoreline, thus requiring improved steps. Pathways must remain free of stumps, snags and other tripping hazards. Steps are considered unsafe and unauthorized when poorly placed or constructed so that the step is loose; or when materials are defective damaged, or decaying.

15.3.12 Water Lines and Pumps

Water lines not-to-exceed 2" in diameter may be installed underground and must follow the access path. Water lines may be placed in the same trench as the electric line. Water lines may be installed to deliver fresh or raw water or both. Pumps associated with water lines must be electric, may not exceed two (2) horsepower and must be installed on the floating facility. Pumps and electrical components will not be submerged. Electrical service must conform to Exhibit 3. All water lines must be attached to the dock and/or ramp and may not be submerged. Water faucets may be placed on the dock and/or land. The installation of water faucets should be inconspicuous or low profile and must not exceed thirty (30) inches in height. Waterlines for the withdrawal and subsequent redelivery of water for the purposes of heat pump service is prohibited unless a National Pollutant Discharge Elimination System (NPDES) Permit has been obtained from the State of Georgia.

No new landbased pump houses will be authorized. Removal of existing pump houses will be required if the facility is not a well-constructed shed type facility, the well is abandoned, or if the structure needs major repair.

15.3.13 Telephones and Intercoms

Telephone service may be authorized, however, use of **cell telephones is encouraged**. Telephone lines must be installed underground in the same trench as other electrical wiring. Intercom lines may be installed along with other electrical services.

15.3.14 Furniture, Decorative Items and Garden Plants, Etc

Docks are permitted for the purpose of providing moorage for vessels. However, it is recognized that docks may serve multiple purposes and may be used for fishing, sunbathing, or other leisure activities where furniture may be desired. Outdoor or patio type furniture may be used on upper or lower sundecks provided the furniture does not restrict or interfere with the walkways or otherwise cause a hazard. Four-foot wide dock sections are not considered adequate to accommodate furniture. Due to wind and wave action, dock owners are encouraged to securely attach furniture to the dock or remove it when not in use.

Diving boards/structures of any type as well as sliding boards, hammocks and playground equipment are prohibited. Additionally, items such as indoor furniture or objects that denote habitation such as, but not limited to couches, sinks, cabinets, **appliances, satellite dishes, security cameras and permanent stereo systems are prohibited**.

Outdoor furniture may be placed on 'grandfathered' picnic shelters and patios. However, outdoor furniture may only be placed on 'grandfathered' patios during actual use and may not be left more than 24 hours. Neither picnic shelters nor landbased boat shelters may be used or converted to storage shelters or **habitable structures**.

Decorative items, house and garden plants, Christmas trees and lights, **signs, or banners** and other similar commodities are prohibited on public land and on private facilities located on public property.

15.4 Facility Inspection Program

All permitted facilities must be operated, used and maintained by the permittee in a safe, healthful condition at all times. At the time of permit renewal, change of ownership or at the discretion of the Operations Manager all permittees will be required to contract the services of a Corps trained "candidate", or higher, level inspector, who has passed all written exams and continues to meet the requirements for either: the American Society of Home Inspectors (ASHI) or Georgia Association of Home Inspectors (GAHI). Inspectors will provide permit holders at a minimum, a Corps of Engineers inspection report that details the deficiencies found and the inspector's final inspection and certification that the facilities are in full compliance of the permit conditions. Payment of costs associated with the inspection along with the submission of full application package including certifications will be the responsibility of the permit holder.

In order to be Corps trained to perform facility inspections an individual will be required to attend an orientation session held at the Operations Managers Office. The orientation will acquaint inspectors with Corps requirements, boundary identification, and permit conditions. Required inspection and certification forms will be located on the Lake Sidney Lanier web site. See Exhibit 3

Permittees who determine to replace their existing dock must request an appointment with their area ranger to discuss size and location. After the previous facility has been removed the replacement facility may be installed anytime within the five-year permit period.

15.5 Dock Relocation/Access, Low Pool

During periods of low lake levels floating facilities may be moved to follow the receding shoreline as long as one third of the channel remains open for navigation and safety is not an issue. Permittees have the option to move docks laterally but not beyond or crossing any neighboring facilities and not within the boundaries of "protected" or "recreation" zoned shoreline. In locations where competition for space to keep docks afloat is a problem during low lake levels neighbors are encouraged to seek amicable solutions.

Excavation, digging, leveling or changing the contour to access the lakebed without a permit is prohibited. Permanent placement of hoist to enable dock movement is prohibited. Access to the dock during periods of low lake levels must generally be gained through some temporary wooden means.

15.6 Facilities For The Disabled

The Corps has developed a number of handicap facilities for lake access in public recreation areas **that are in compliance with the Americans Disabilities Act (ADA).** **Adjacent landowners and permittees are encouraged to use these facilities when the need for disability access arises. If direct access to the dock is required from the adjoining property for a disabled resident, authorization for specialized facilities can be considered. Each case will be reviewed based upon its own merits. To qualify one must provide a doctors letter that describes the disability. The letter must provide sufficient detail concerning the disability and the type of access medically necessary for continued use of the facilities. Benches, handrails or use of a motorized cart or similar vehicle may be authorized. Authorization will be granted for the minimum improvements necessary to provide safe access. Temporary solutions will be considered for temporary disabilities. In any case the person requiring the access must reside full time in the home of the permittee. At renewal of the permit this need must be reestablished with a subsequent doctors letter. Because of the temporary nature of these permits hardened surfaces such as gravel, asphalt or concrete may not be authorized due to negative environmental impacts and the high cost of removal. Site conditions may limit the Corps ability to accommodate every applicant.**

15.7 Grandfathered Facilities

A 'grandfathered' item is defined as an activity, facility or structure that was authorized under a previous policy and prior permit, but new permits are no longer issued for their construction. Existing permits will continue to be reissued for these items in protected/recreation areas as long as they are maintained in a usable and safe condition, not occasion a threat to life or property, and the permittee is in substantial compliance with the existing permit conditions. If the permitted facilities do not meet these requirements they must be removed and cannot be replaced.

15.8 Land-Use Practices

It is the policy of the Mobile District to authorize certain private uses of public lands when these uses or acts are compatible with the provisions of public law and regulation. Permits may be obtained to control erosion, plant native species, reduce or eliminate noxious plants, aid in fire prevention, **and remove hazardous trees** etc.

15.8.1 Erosion Control

Erosion control methods such as planting of native vegetation or placing water breaks along footpaths to reduce rainwater runoff velocity may be authorized. Permits for shoreline protection (rip rap) as addressed by Section 10 and 404 of the Clean Water Act and authorized by a Specified Acts Permits are also available at the Operation Managers Office. See section 14.3

Point-source sedimentation violations that directly impact Lake Lanier may be reported to the local government with jurisdiction, the Georgia Environmental Protections Division, or the Operation Managers' office. The Operations Manager's authority is limited; therefore, local review would only determine the extent of damage and initiate contact with the appropriate enforcement element.

15.8.2 Land Formations

Land formations may not be modified without a permit.

15.8.3 Exotic Species

Exotic species or plants not native to the area are not authorized and must be removed. Flower and vegetable gardens are not authorized. Native vegetative species may be planted in a random or natural fashion and **must be authorized by a Specified Acts Permit.**

15.8.4 Chemical Agents

Broad uses of Chemical agents such as pesticides are not authorized. Chemical products such as pre-emergence, weed killers, fertilizers, growth retardant, etc., may not be used on public lands, however, some topical application to control noxious or nonnative species may be allowed under rigid control via a Specified Acts Permit. The use of such products on private property must not affect public lands or waters.

15.8.5 Fires

Fires or burning on the shoreline is no longer authorized on Corps managed lands regardless of the lake level. County burn permits do not authorize burning on Corps managed properties. Adjacent landowners may remove forest litter away from their residences not exceeding six feet in locations where residential structures were built close to the government property line.

15.8.6 Mowing or Bushhogging

Mowing and general lawn care of public land is not permitted. Presently, there are areas on public land where the adjacent landowner has maintained grassy areas in a lawn-like condition. These open areas generally evolved from agricultural practices that removed tree cover prior to land acquisition by the Government or from tree loss due to fires, diseases or other causes since impoundment of the lake. Adjacent landowners may continue maintaining these existing grassy areas provided a Shoreline Use Permit/License has been

issued to authorize the activity. **Because grass is not a high quality vegetative buffer, it is project policy to restore grassy areas to a more natural state. When such areas are not maintained and woody vegetation has reestablished itself this portion of the permit will not be renewed. During changes of ownerships minimization of permitted mowed areas will be encouraged to help protect the lakes water quality. Adjacent landowners have the greatest impact and opportunity to protect or restore the lakes vegetative buffer.**

Authorized footpaths six (6) feet wide may also be maintained by mowing and limited underbrushing. Site plans delineating the limits of cleared areas, underbrushing, or plantings from the approved plant list in Exhibit 8 will be developed on-site by the applicant and a Corps ranger.

15.8.7 Hazardous Trees

Hazardous trees that endanger life or property may be cut/dropped and/or removed from public land. Specified Act permits may be issued or the applicant advised in writing the reasons for denial. If the Corps is requested to fell hazardous trees any subsequent cleanup or removal of the tree may be authorized by permit **to the adjacent landowner making the request.**

15.8.8 Pest Control

Pest Control includes forest insects, pets or stray animals, rodents and other health related nuisances. Coordination between Corps and local government agencies is essential not only to reduce health hazards, but also to prevent endangerment to others as well as the resource. Naturally occurring wildlife species are not considered to be pests.

15.8.9 Set-Back Zoning

Set-Back building codes are absolutely necessary to prevent building errors or boundary discrepancy from becoming major encroachment problems. Local governments are strongly encouraged to pursue set-back zoning on the Corps boundary line. Such a policy will greatly reduce conflict between the general public, the Corps, and the neighboring landowners, as well as reduce the taxpayer's share of costs necessary to protect public lands around Lake Lanier. It is recommended that a 15-foot setback be established and enforced. **Setbacks of sufficient width are required so that construction of home sites will not require storage of excavated material, fill, construction materials or equipment on public lands.**

15.8.10 Licensed Roads

Private roads established under prior policy were authorized for shoreline access only and were not intended to be used for vehicle or vessel storage. These roads now have a Grandfathered status. No new roads will be authorized for private use.

15.8.11 Violation of Permit Conditions/Unauthorized use

Violations of permit conditions or unauthorized uses of public property will result in corrective or enforcement actions against the permittee. **These actions may include administrative penalties such as site restoration and or restitution to the government. Additional penalties include the issuance of a citation under the Code of Federal Regulations Title 36. In consideration of the issuance of this permit, the permittee must be in compliance with Title 36, Part 327 (including but not limited to Sections 14,15,20, and 30) and must remain in compliance with those sections. Any incidents of noncompliance with those sections or the remaining conditions will result in revocation of the permit or non-renewal, or the addition of other special conditions. Non-renewal or revocation will require removal of the permitted facilities.**

All Shoreline Use Permits are issued and enforced in accordance with the provisions of Title 36, Chapter III, Part 327, Code of Federal Regulations. Noncompliance with any of the terms and conditions, general or special, may result in the issuance of a Violation Notice requiring the payment of a fine or appearance before the U.S. Magistrate, termination of the Permit, and/or restitution. Severe cases of destruction of public land may also result in a moratorium being placed on the affected area of public land, preventing the issuance of any new Permit for a minimum period of 5 years.

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 Operations 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. Notwithstanding the condition cited above, if in the opinion of the District Commander, emergency circumstances dictate otherwise, the district commander may summarily revoke the permit.

The most common activities addressed as unauthorized use include the conversion of public land to private use such as with vegetable and flower gardens, clearing of trees, underbrushing without a permit, construction of roadways, and abandonment or disposal of personal property. Due to the lack of setback policies construction of houses, sun decks,

porches, swimming pools or outbuildings are often partially on public property as well as related debris, earthen fill, septic tanks and drain fields, once a permit violation or unauthorized use is corrected the violator may be eligible to reapply for a **Shoreline Use Permit** subject to current regulations.

15.8.12 Silt Removal

Silt Removal may be authorized in accordance with Code of Federal Regulations Title 33 and 36. Silt removal cannot be authorized to excavate original soils and rock. Only alluvial soil (sedimentation) may be removed. Permits to remove silt will not authorize the altering of the original contour, drainage pattern, or wetlands, nor removal of one (1) foot or less of silt deposit. Silt removal will not be authorized if access to the shoreline is not available without destruction of the sites. Silt removal authorizations must comply with the Nationwide permit program addressed in Sections 14.3 and 14.4. **A silt removal plan will be required from the permittee and must include a cross-section with dimensions illustrating current and final slope as well as quantity of silt and depths after work is complete. The plan must describe the method in which excavated material is to be removed and the location where the silt will be relocated.** Excavation may not occur below free flowing stream levels. Final grade must allow for free or continuous drainage to the main channel and newly created slopes will not exceed 2:1.

Silt removal may be required when degradation of project lands and water occurs. Restoration will not be required if the effort to restore would produce or create worse conditions.

16. Boundary Control

The project was initially surveyed with monuments placed during the middle 1960's and early 1970's. Lake Lanier has approximately **760** miles of boundary line encompassing its **56,782** acres of project land and water. The most recent routine boundary survey was conducted from 1983 to 1996 and resulted in one half of the project western boundary line being resurveyed.

Although some sections of the boundary line follow a specific contour or elevation, most of the government boundary consists of straight lines between points. These points are represented on the ground by either angle iron or monuments. Often a private survey was accepted as being representative of the government's line if the private survey was recorded in the courthouse prior to the government survey in the mid-1960's. Many of these private surveys contained errors and tracts subdivided based on these surveys resulted in lots that in some instances encroached on public property.

As part of the continuing effort to maintain the boundary line, witness trees are painted and **boundary line monuments were further identified with high visibility Carsonite post.** Witness tree markings do not represent the exact boundary line, but simply mean that the

government's boundary line is nearby. **It is important to note that project staff are not surveying the boundary line, but rather reidentifying it to facilitate boundary line inspection.** A private survey is recommended prior to any construction adjacent to public lands. The Corps of Engineers does not assume the responsibility of identifying private property boundary lines. Information related to the government's boundary can be obtained at the Operations Manager's office or on the world wide web at <http://gis.sam.usace.army.mil/>. For further information related to the government's boundary refer to Exhibit 6.

17. Encroachment Resolution

Items placed on public lands longer than 24 hours that are not authorized by a permit are considered encroachments. Such items are subject to removal at the owners expense. If impounded and unclaimed, these items will ultimately be disposed of. Encroachments are classified as either minor or major.

Minor encroachments are portable personal items. The Corps generally prefers to return minor encroachments to private property. The abandonment of personal items is often in the form of solid waste such as rubber tires, non-encapsulated, lumber, steel, furniture, building debris, etc.

On December 11, 2000, Congress passed the Water Resources Development Act (WRDA) of 2000, Public Law 106-541. Included within the provisions of this act, is Section 516, entitled "Lake Sidney Lanier Home Preservation." This Act directs how existing major encroachments at Lake Lanier are to be resolved.

The Act pertains to those encroachments on fee or easement properties that were constructed before January 1, 2000. This Act allows eligible homeowners to keep structures for human habitation and the attached improvements such as decks, patios and house steps. Items not eligible include gazebos, walkways to the lake, and other items not attached to the eligible structure. Encroachments that are not eligible will require removal in accordance with SAM SOP 1130-1-1.

18. Flowage or Flood Easements

The United States (Corps of Engineers) owns most of the lands surrounding Lake Lanier in fee title. **During the construction of Buford Dam and Lake Lanier a maximum flood elevation of 1085 mean sea level was established. In some areas where the flood elevation occurred on private property, a flowage easement was purchased. These lands remain private property, but have restrictions placed on their use. A flowage easement is a real property interest that allows the Corps to occasionally or perpetually flood private property. This restricts the private owner from constructing habitable structures and prohibits alteration of the existing contour. In areas where no fee or easement interests were acquired and private property is perpetually covered by water, the Corps maintains Regulatory jurisdiction as waters of the United States.**

Certain private uses of easement property may be authorized by the Operations Manager. Locations of easements can be identified at the Operations Manager's office. All purchased easements have been recorded.

The Corps of Engineers has also acquired the right to occasionally flood private property down-stream of Buford Dam. These rights were acquired to contain high flows that force water upstream into tributaries. There is no regional flood contour established, rather each easement tract has a calculated high water elevation unique to its location.

Consent to an easement can be obtained to authorize non-habitable structures below 1085msl. Items commonly permitted under the Lake Lanier SMP can be authorized at the local level. The Consent to Easement allows for items that do not violate the easement restrictions detailed in the recorded deed, with the exception of perpetual flowage easement tracts purchased in the Richland Creek watershed, located in Segment W. These easements, in Segment W, are located downstream of the emergency spillway which allows for an uncontrolled release of floodwaters from Lake Lanier during extremely high lake levels (above 1085 msl).

19. Buffer Zones

Vegetative buffers serve many important functions in protecting water resources. By stabilizing the stream banks and shorelines with native vegetation, erosion and sedimentation rates will be reduced. Increased sediment loads are associated with the physical destruction of habitat such as the smothering of bottom communities and spawning beds.

Vegetative buffers protect the water quality by reducing sediment, nutrient, and contaminant loading from activities occurring in the surrounding watershed. Overland water flow approaching surface water bodies from the surrounding watershed is intercepted and filtered by vegetative buffers before it enters the water body. Pollutant and sediment transported may be partially removed as a result of a combination of processes including reduction in flow pattern and transport capacity, settling and deposition of particulates, and eventually nutrient uptake by plants. In addition, the vegetation provides stream bank/shoreline stabilization to the water body. The roots of vegetation anchor shoreline sediments and protect the shoreline from the erosive forces of water movement.

Lake Lanier serves as the water source for metro Atlanta and the surrounding counties as well as those areas along the Chattahoochee River down stream. Recognizing this purpose and the regional impacts, it is imperative that measures be taken to preserve the lakes water quality. It is now required that “limited development” areas serve as vegetated buffers with minimum disturbance to allow for safe access. Exceptions to this policy would include those areas authorized for underbrushing, mowing and intensive public use areas such as parks and lease areas.

This policy is consistent with state requirements and the preferred alternative within the Environmental Impact Statement. See section 20 Forest Management for guidance on underbrushing permits.

20. Forest Management

Lake Lanier's forested lands are managed to achieve multiple use benefits. Guidance for forest management is contained in Public Law 86-717 which established that project lands be developed and maintained to assure that forest resources are managed for multiple use yield in a manner that will not impair the productivity of the land to provide for future generations. Forest products are not the primary focus of management goals at Lake Lanier. Equally important within the context of multiple-use are esthetics, wildlife benefits, air and water quality, soil erosion, as well as the quality of outdoor recreation experiences.

In "Limited Development Areas" the forest and vegetative management objectives at Lake Sidney Lanier are to sustain a healthy, vigorously growing, uneven-aged, esthetically pleasing forest capable of supporting recreational use **while protecting water quality and providing for environmental sustainability. In "limited development" areas minor underbrushing can be authorized. The authorization to underbrush is limited to the removal of vegetation with a diameter of two inches (2") or less and pruning of tree limbs not to exceed head height. In no case will the underbrushing exceed a 20-foot corridor on both sides of the existing pathway. To obtain a permit individuals must meet on site with their area ranger to develop a plan to accompany their request. The use of heavy equipment is prohibited. Authorization will be granted in conjunction with a Shoreline Use Permit/License for a period not to exceed five years. Violations can result in the revocation of the permit in its entirety.**

Adequate native understory vegetation must be maintained for forest regeneration. The cutting of dead or diseased trees, which pose a threat to persons or property, can be authorized. Clearing to obtain scenic vistas or to establish lawns is not permitted. Removal of forest humus or mulch is prohibited since it results in sheet erosion, root damage, and soil compaction. Areas presently modified and permitted to provide vistas or lawns will be authorized for continued maintenance in accordance with Section 15.8.6. Similar areas that are not authorized must be revegetated by the permittee under permit guidelines or allowed to regenerate naturally.

The "Protected" forest management objective is to sustain a fully stocked stand of native trees. Management practices will include those necessary to provide protection from fire, insects, disease and other threats, to allow for appropriate harvest of trees, and to regenerate forest stands.

"Public Recreation" forest management objectives are to maintain a healthy, vigorously growing forest capable of supporting pressure from recreational use. The preferred density for stands in these areas should provide a 60/40 relationship between shade and sun and can be achieved with a basal area of 60 square feet per acre. In public recreation areas that are

currently undeveloped the objective is to carry a healthy vegetative cover capable of supporting future development and high-density recreational use. Implementation of forest and vegetative management objectives is accomplished utilizing a variety of methods including selective thinning to reduce basal area and increase stand vigor, regeneration to establish cover on open areas and to replace mature stands.

21. Wildlife Management

Successful wildlife management at Lake Lanier can best be achieved by integrating wildlife programs with effective forest management practices. The goal of wildlife management is aimed at developing, improving, and maintaining native vegetative communities that will serve diverse wildlife. This objective was established since different wildlife associate with different plant types. Fulfillment of this goal will provide better opportunities to observe wildlife and to engage in other non-consumptive uses such as photography and nature study.

Due to extensive development adjacent to public land and Lanier's heavy visitation, hunting has been **generally limited to waterfowl only. On the northern reaches of the Chattahoochee River within the property leased by the Georgia Department of Natural Resources (GADNR) and Don Carter State Park hunting may be permitted. For more information contact the Wildlife Resources Division of the GADNR.**

Consequently, management emphasis has been devoted to the promotion of non-game wildlife, although game species and waterfowl derive considerable benefits. In conjunction with a non-game management emphasis, the Operations Manager is mandated to enhance and promote endangered and threatened wildlife species and their habitat wherever they exist on the project.

Since the wildlife program strives to promote a diverse wildlife community, the Corps often manipulates habitats. Active management includes providing habitat components such as nesting structures or food plots. Since "Limited Development" areas tend to receive stress from human activity, the Corps encourages and authorizes planting native vegetation by interested parties. **Such request must be accompanied by a written proposal that details native species selection and placement.** Snag or dead trees that do not endanger life or property are purposely left to benefit both birds and mammals.

Wildlife population management is the responsibility of the Georgia Department of Natural Resources. The Corps cooperates to support State efforts by providing **hunting opportunities**, habitat for game species and assisting with the control of pest species.

22. Fisheries Management

The Georgia Department of Natural Resources (DNR) has the primary responsibility to management fish and wildlife on Lake Lanier. The Corps coordinates management activities with DNR in order to maintain acceptable fish and wildlife populations. Corps rangers often assist with fish kill investigation, habitat enhancement, and

occasionally field monitoring of fish populations. The Corps' primary goal in fisheries management is to maintain acceptable habitat capable of supporting a diverse sport fishery on a sustained yield basis and to enhance fishing opportunities. These goals are accomplished by DNR sampling and stocking, a cooperative effort between DNR and the Corps to create fish attractors and provide public access through multiple launch ramps, bank fishing piers, and recreational areas.

Habitat enhancement is accomplished by conducting various practices such as water level management for stabilizing spawning habitat. Because the lake is sensitive to many outside influences, other activities must be monitored for adverse impacts, such as nearby construction activities. Maintenance of productive fisheries habitat is achieved in part by maintaining an active water quality program. Corps personnel cooperate with the Georgia Environmental Protection Division to resolve water quality problems. Corps personnel also cooperate with county health departments to correct septic tank pollution and with state and county engineering departments to resolve soil erosion problems.

Working under specific management directives, Corps personnel continually work with lake users to minimize infringement to fish spawning habitat and water quality. Visitors should refrain from clearing non-hazardous shoreline stumps or trees that have fallen onto the lakebed. Permits can be obtained to install fish attractors at or below elevation 1050 MSL.

Special Consideration Programs:

Special consideration programs include endangered species management, non-native plant management such as kudzu control, fire management, erosion control, and water quality.

23. Water Quality

Water quality management at Lanier is a complex and challenging task due largely to the extensive and varied human activity both in and around the lake. The broad goal of this management responsibility is **to preserve and enhance** water quality adequate for safe and healthy public use as well as conservation of wildlife, fish and other beneficial aquatic life. To achieve this goal the Corps of Engineers strives to maintain compliance with federal and state water quality laws and standards as they relate to specific Corps operations. Protection of project waters is promoted by the following Corps involvements: limited Corps enforcement of project water pollution regulations as shown on Exhibit 11, periodic water assessment, implementation of solid waste abatement programs for the general shoreline, and promotion of environmental awareness. Additionally, the Corps of Engineers actively seeks and maintains cooperative relations with other water quality management agencies.

Jurisdiction and enforcement of water quality is encumbered by multiple government agencies having different and overlapping regulatory responsibilities. The Corps is mandated by federal law to protect the lake resource for safe and healthful public use. Corps personnel are authorized to enforce provisions of Code of Federal Regulations, Title 36, part 327, which prohibits the discharge of pollutants in or onto project property. As situations dictate project staff conduct preliminary investigations of non-CFR violations on or near the

project and forward their findings to agencies with appropriate jurisdiction for continued investigation and proper enforcement.

The State of Georgia and its Political subdivisions have principal authority and responsibility to enforce Georgia laws on the Lake Lanier project. The State has its own water quality control law, which establishes enforcement authority by the Georgia Environmental Protection Division (EPD). EPD is also authorized by the U.S. Environmental Protection Agency (EPA) to implement and enforce the Federal Clean Water Act within the State of Georgia. A major component of this federal law involves the National Pollutant Discharge Elimination System (NPDES). This is a permit program that authorizes certain discharge of effluent into open waters. A common example of a permitted discharge includes treated wastewater from a municipal sewage treatment facility. The Corps refers cases of continuing unpermitted discharges to EPD, which has responsibility for the NPDES program and associated enforcement action.

To complement EPD's management of surface discharges, a separate permit program is administered to accommodate on-site, sub-surface disposal of wastewater. This program is administered by environmental health offices of local county health departments that issue permits for septic tank installation and underground discharge of wastewater or sewage, such as that from private residences.

Another authority is established for federal regulation of sanitation devices on vessels known as marine sanitation devices (MSD). The U.S. Coast Guard has authority under CFR Title 33 to control discharge of sewage from vessels by specifying and enforcing design, installation, and operation of MSD. However, federal regulation of this aspect of water quality control currently preempts state regulation of MSDs with the exception of MSDs on houseboats. Since the U.S. Coast Guard does not normally patrol Lake Lanier, enforcement of MSD regulations are greatly limited.

To promote a healthier environment Corps regulations prohibit the discharge of sewage, garbage, and other pollutants into lake waters or onto public lands. Sewage from vessels will be removed at marine pump-out stations located at are located at Bald Ridge, Lan-Mar, Gainesville, Sunrise Marina, Aqualand, Starboard, and Holiday Marinas.

Water pollution may be derived from and categorized into two broad sources - point and non-point. Point sources are best described as pollution originating from an identifiable source such as an effluent line. Non-point sources are not readily identifiable and are derived over a broad area. Examples of non-point source pollution include pesticide run-off and soil erosion from a stream watershed. Dependant on the circumstance, some types of pollution may occur in either category. Thus the classification of pollution sources is a relative determination, but this description has some significance as far as applicable regulations and enforcement.

Since point sources are easier to identify than non-point sources they are generally easier to control. Septic tanks occasionally degrade the lake's water quality by being located too close to the flood plain and/or not functioning correctly. Consequently, the Corps has broadened

its policy toward septic tank systems. The policy states that septic tanks and drain fields will not be permitted on public property regardless of their age, if located below elevation 1085 MSL. All septic systems that are currently located on public land below elevation 1085 MSL must be removed. **Systems located on public property above elevation 1085 MSL may remain, but require inspection and certification that the system is functioning properly. County Health Department officials can provide this certification upon request. The existing systems will be identified during renewal and change of ownership inspections.** Once major repair is required the system must be closed and rebuilt on private property. These measures will reduce infiltration of septic tank contents into lake water during periods of higher lake levels. Consistent with the Corps policy change, health officials surrounding Lanier have previously implemented a requirement prohibiting new septic systems below contour 1085 MSL regardless of property ownership. To enlighten the public on how they can help protect the lake's water quality, the Corps is taking a more active role in environmental awareness programs. Interpretive programs that address water quality will be presented to public groups. New Shoreline Use Permit/Licenses are required to meet on-site with Corps staff to discuss proposed facilities, water quality and other environmental concerns. Where water quality is degraded due to erosion, permits may be issued to allow residents to plant native vegetation.

Cleaning vessels and docks with soaps and solvents at the shoreline pollutes the lake. This activity and use of insecticides, herbicides, pre-emergent and fertilizers are prohibited on public land and water. Application of the above chemicals and construction on adjacent private property has strong potential to disperse pollutants into the lake. Instances of sedimentation and chemical pollution will be investigated and reported to the appropriate agency for their action. **Shoreline Use Permit/Licenses can be revoked in whole or in part for violations of this restriction.**

Non-point source pollution is difficult to control. Chemical applications over large areas ultimately degrade the lake's water quality. Indiscriminate use of fertilizer contributes to nutrient loading, thus accelerating the natural aging of the lake. Phosphorus from fertilizers and other sources control the lake's productivity. Cases of excess phosphorous generate unwanted high levels of algae that can reduce oxygen levels and kill fish. To relieve some of these problems, the Corps strives to educate the public about the values of good water quality practices. Additionally, the Corps conducts an annual solid waste removal program along the general shoreline. This removal eliminates a substantial amount of debris that in itself is a form of water pollution or has potential to become soluble in lake water.

To maintain a comprehensive effort toward controlling pollution the Corps and EPD are involved in monitoring water quality on Lake Lanier. **The Corps collects water samples at swim beaches throughout the recreation season. These samples are laboratory tested to determine the level of fecal coliform bacteria.** EPD samples the lake's water quality on a regular basis and when conditions exist that are suspected to threaten public health, EPD may issue orders restricting the use of project waters. If lake waters are found to be a health hazard, the Corps will comply with requests by either EPD or the Division of Public Health, Dept. of Human Resources by posting warnings and/or -restricting access to any portion of the lake body.

To meet its own directives the Corps conducts limited water quality monitoring. The Corps has measured several water quality factors at the dam for several years. However, to establish a broad baseline of the lake's condition, the Corps will sponsor a major water quality study at least once every ten years. This study typically evaluates selected chemical, physical and biological conditions of the lake, its tributaries, and the river below the dam.

24. Wetlands

The term "wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands in, on or around Lake Lanier provide significant natural biological functions including food chain production, general habitat for aquatic and land species such as nesting, spawning, rearing and resting sites, and serve to purify water. Maintenance of wetland areas is important due to their scarcity in North Georgia. All wetland habitats in an area should be preserved to promote the region's ecological integrity. To maintain wetlands, no permit will be issued that involves general or specific use or alteration of wetlands unless concurrence is gained from the Corps of Engineers, the U.S. Fish and Wildlife Service, and the State of Georgia Department of Natural Resources.

To minimize impacts to wetlands, some determination of a wetland should be made. Certain vegetation is readily adapted to and identified with wetland areas. Wetland vegetation may be used to make a preliminary determination to an area's potential wetland status. However, because soil type and hydrological conditions are also evaluated in determining the status, all appropriate agencies should be consulted to officially classify wetlands.

25. Aquatic Plants

Due to the rise and fall of Lake Lanier, its depth, and northern Georgia location, nuisance aquatic weeds have not thus far invaded the project. However, the transport of such weeds is possible and low areas may eventually have seasonal problems unless the general public inspects and cleans their boats and trailers after visiting other waterways known to have aquatic weed problems. Of most concern are hydrilla and Eurasian watermilfoil.

26. Endangered Species

The Endangered Species Act of 1973 declares the intention of the Congress to conserve threatened and endangered species and the ecosystems on which those species depend. The Endangered Species Act requires that federal agencies use their authorities in furtherance of its purposes by carrying out programs for the conservation of endangered or threatened species, and by taking such action necessary to insure that any activity authorized, funded or carried out is not likely to jeopardize the continued existence or result in the destruction or

adverse modification of habitat of such species. Permits will not be issued that conflict with the preservation of endangered species. Any permit issued in violation of the Endangered Species Act either past or present will be rescinded.

The U.S. Fish and Wildlife Service (USFWS) identified federally listed endangered or threatened species that exist or might occur on project property. The Georgia Department of Natural Resources also identifies State protected species that are endangered, threatened or a species of concern in Georgia. The Endangered Species Act (ESA) requires protection of federally listed species and their habitat. Likewise, the protection of Georgia's protected species is required under State law and is applicable to project natural resource activities.

27. Cultural and Historic Resources

The National Historic Preservation Act of 1966 and The Preservation of Historical and Archaeological Data Act of 1974 were provided by Congress to protect historic sites and recover historical and archeological data. If it is determined that a previously issued permit infringes upon or impacts a historic site, the permit will be rescinded. Permits will not be issued that involve general or specific use or alteration of historic sites unless culturally cleared by appropriate agencies. The use of metal detectors or other land-based electronic or nonelectronic detection devices are prohibited except by written permission from the projects Operations Manager.

Lake Lanier has an approved Historic Properties Management Plan (HPMP), dated April 1997, detailing the characteristics of each significant Historic Resource Site. The plan was prepared under provisions of ER 1130-2-438 and a number of Acts, Executive Orders, CFR's, ER's and Guidance Letters. Previous historic resources investigations occurred in the late 1930's, 1950-01, 1978, and 1987.

As a result of ongoing consultation with the Georgia State Historic Preservation Officer (SHIPO), it was determined that most project lands with a high potential for historic properties have been surveyed. Historic resource surveys of Lake Lanier have identified over 600 historic sites on Government property. Data recovery was conducted at several prehistoric archeological sites prior to impoundment. Since passage of the National Historic Preservation Act in 1966, data recovery has been conducted at two prehistoric sites that were determined eligible for the National Register of Historic Places. The National Register eligibility of 5 historic properties remains to be determined.

28. Island Management

Lake Lanier has more than 100 islands that provide scenic value, provide wildlife habitat, serve as buffers between development, and afford numerous day-use recreational activities. Day-use activities consist of fishing, sunbathing, hiking, swimming, bird watching, wading,

picnicking, etc. All fires and camping, including the placement of any type tent, are not permitted on islands.

The practice of island camping has been prohibited due to resulting site degradation; lack of sanitation facilities and potable water; and the lack of adequate patrol and law enforcement. Unrestricted use has led to unauthorized construction, rowdiness, the loss of vegetation and wildlife food sources, and has encouraged erosion. Public use is also credited with starting fires that have completely burned several islands.

Except for holiday weekends most campers can be accommodated in Corps and other public and private campgrounds. Development of the islands is not considered a feasible solution. In an informal survey of campers who frequent the islands it was learned that if facilities were developed on the islands those visitors who prefer a rustic or primitive type camp setting would no longer frequent the area.

Boaters wishing to anchor off an island to spend the night on their vessel may do so. However, fires are prohibited on islands. Visitors wishing to tent camp will be directed to the nearest available campground.

Other natural resource concerns on islands that must be addressed by Management action include kudzu control or eradication, if possible, timber stand improvement, erosion control, and wildlife management.

29. Leases

With the exception of possibly establishing marina services in the upper Chestatee **River, and the leasing of existing recreation areas to local or state governments**, no new areas are currently available for leasing. **The proposed marina will have to conform to the estimated 9000 acres of surface water above the highway 53 bridge and the limited clearing the bridge provides. It is visualized that 500 dry slips and 250 wet slips may be authorized.** Presently 34 areas are leased to other federal, state and local governments and quasi-public organizations for either public recreation or commercial purposes. Leased areas are generally granted use to a specific contour or elevation. Marinas are often allowed to provide for safety and security by prohibiting non-patronage related activities or boating within 100 feet of their fixed or floating facilities.

30. Commercial Activity

Commercial activity is prohibited without a lease. Presently 10 marinas plus the Lake Lanier Islands complex are outgranted for commercial purposes. All commercial activities must be conducted at one of these locations. Parties interested in providing some business service for Lanier visitors must first seek a subconcessionaires agreement with one of the above 11 lease-holders. If this agreement is reached the lessee will then approach the Corps for concurrence and amendment of the lessee's contract with the Corps. The Corps retains the

final approval and does not automatically concur with subconcession agreements. The Corps of Engineers will provide commercial activity information to the general public, but the agency does not contract with third party members.

31. Regulatory Buoys

The placement of regulatory buoys such as "no wake" are accomplished by the Corps with the Georgia Department of Natural Resources, Game and Fish Division, concurrence. It is the intent of this program to promote public boating safety. Areas are regulated to the minimum required to provide safe boat operation yet meet each agency's enforcement ability. Regulatory zoning to suit private needs would over-regulate the project to such a degree that boaters would be prone to ignore regulatory buoys and therefore, such zoning is not authorized. Information concerning regulatory buoys can be found on the projects web site at http://lanier.sam.usace.army.mil/Lanier_Nav_Maps/Pages/Index.htm

32. Administrative Review

Recommendations made by Corps field personnel relative to the issuance of permits are subject to review by supervisory and managerial personnel. Permit authorizations are made by the Operation Manager or his designee only. Review of permit denials may be requested. If reviews made by supervisory then managerial personnel are not deemed adequate then a complaint may be forwarded through the field office to the Mobile District office for further review and response. The administrative review process is considered exhausted at the District Commanders level. Administrative review beyond the District level will be based on the District Commanders recommendation.

33. Lake Lanier Focus Group

There is a continuing need for coordination and exchange of information between Lake Lanier users and the Corps of Engineers concerning shoreline management. Lake Lanier Shoreline Management Plan Updates will be facilitated by the **Operations Manager and a focus group who's members will include a variety of backgrounds and interests including area residents, water quality experts, land developers, lake related commercial interests, State fisheries and law enforcement, and environmental interest groups. The specific organizations represented will include GA DNR, GA EPD, County Parks and Leisure, North Georgia College, Gainesville College, Lake Lanier Association, U.S. Coast Guard Aux, Georgia Mountain Regional Development Center, University of Georgia, Chattahoochee River Keeper, Marine Trade Assoc., Lanier Sailing Club, and a bass fishing tournament director.**

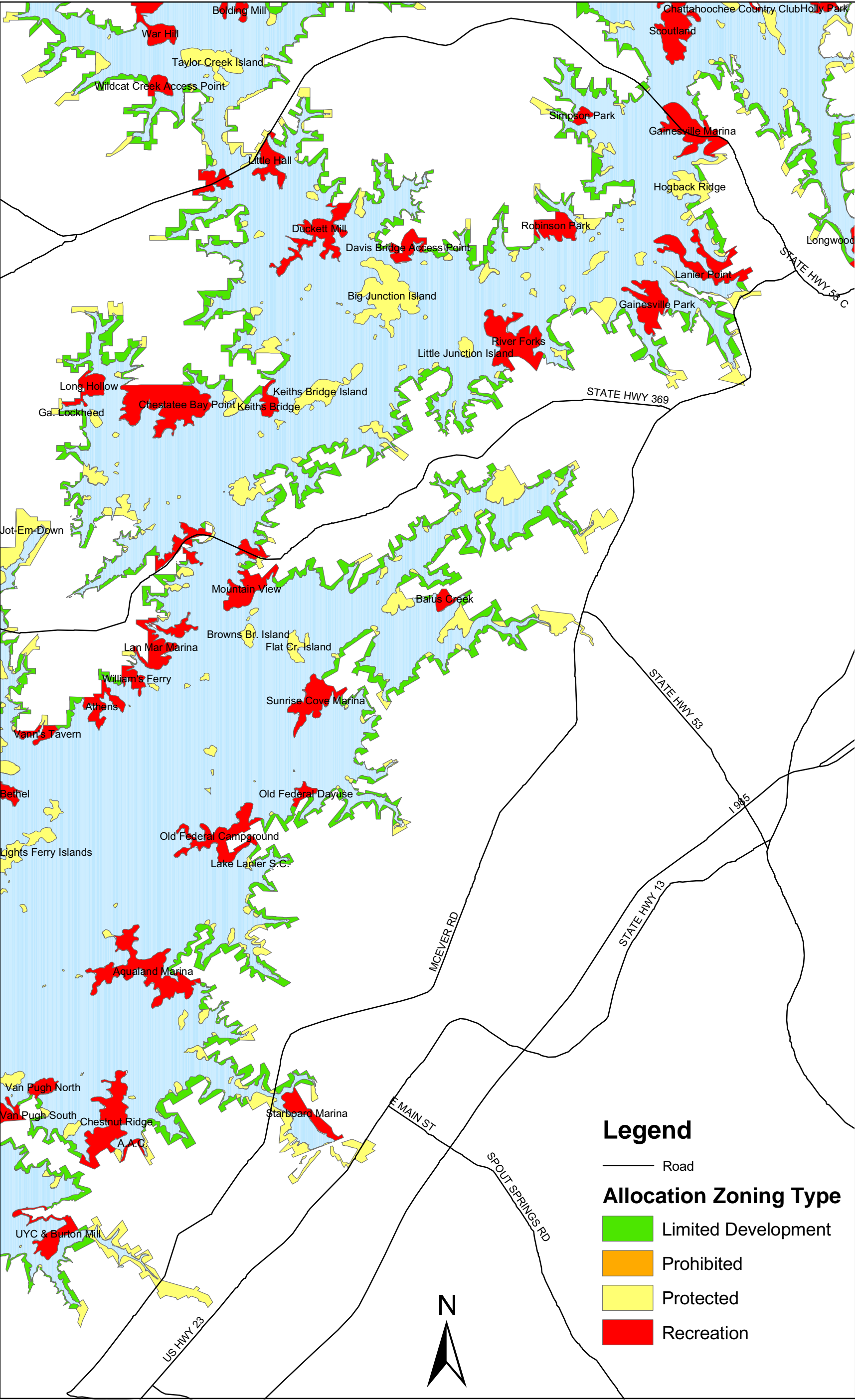
34. Summary

The Corps is charged with protecting and managing Lake Lanier within its scope of authority while serving the **needs of the** general public. It is the **intent** of this plan to provide the most benefit to the public and to balance needs against the physical limitations and natural qualities of the project. In formulating the plan present and future needs were considered. The Operations Manager will continually monitor the needs of lake users and recommend revisions that will minimize conflicts between various interests. Minor changes in area limits or allocations of areas will continue to be approved by the District Commander and reported to the Division Commander on an annual basis. In advance of recommending a major revision to this plan the **public process will be repeated, changes will be publicly announced for review and comment prior to implementation.** To reduce the amount of time to recommend, review, evaluate, and update minor portions of the plan, individual segments may be evaluated rather than the entire document.

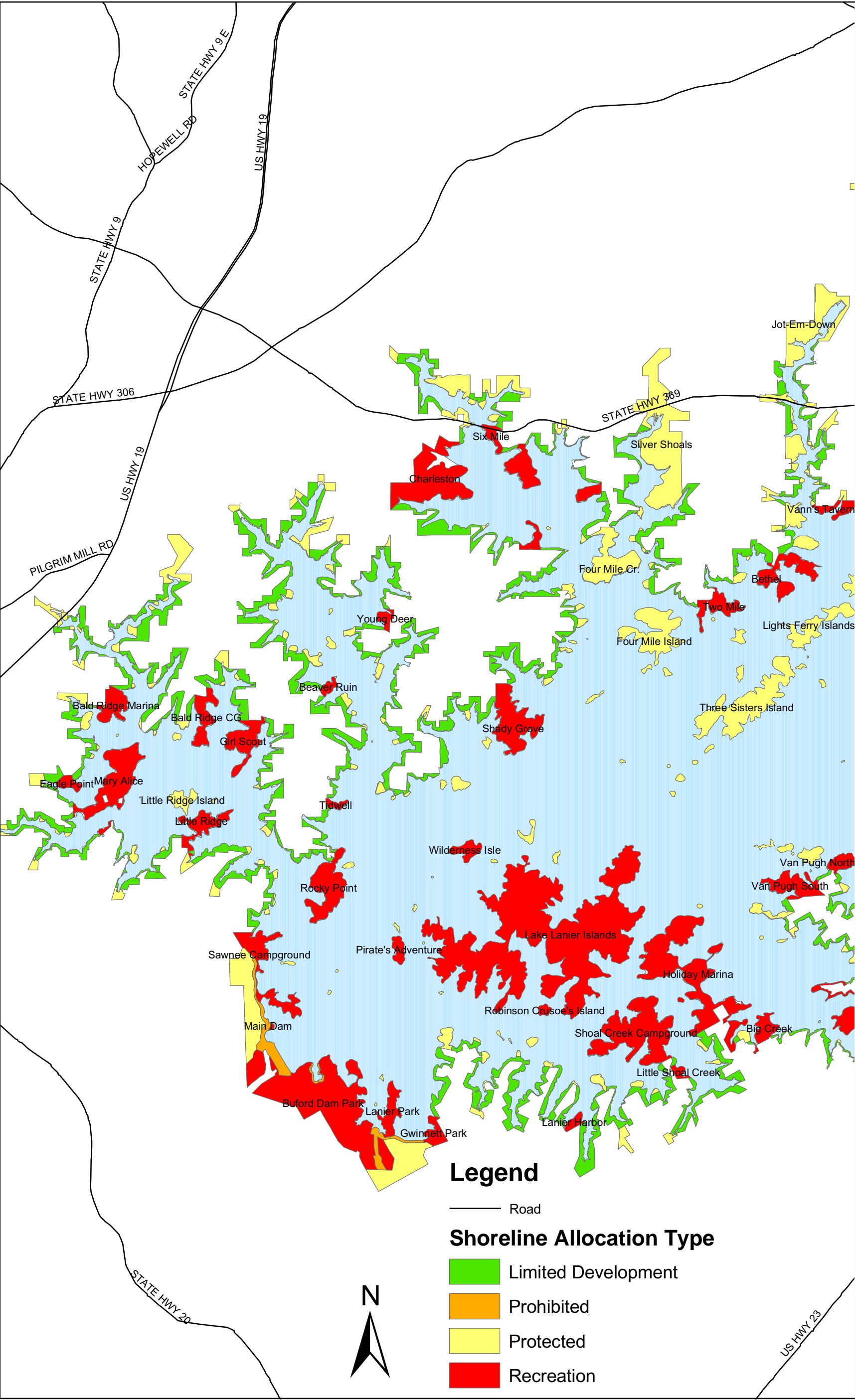
35. Exhibits

| | |
|------------|--|
| Exhibit 1 | Shoreline Allocation Map |
| Exhibit 2 | Project Statistics |
| Exhibit 3 | Facility Inspection Forms |
| Exhibit 4 | Pathway/Steps Standard |
| Exhibit 5 | Shoreline Allocation Signage |
| Exhibit 6 | Boundary Line Marking Standard |
| Exhibit 7 | Shoreline Protection |
| Exhibit 8 | Native Trees and Shrubs of Lake Lanier |
| Exhibit 9 | Brochure "How to Apply for a Permit" |
| Exhibit 10 | Applications |
| Exhibit 11 | Code of Federal Regulations, Title 36, Part 327, Parks, Forests, and Public Property |

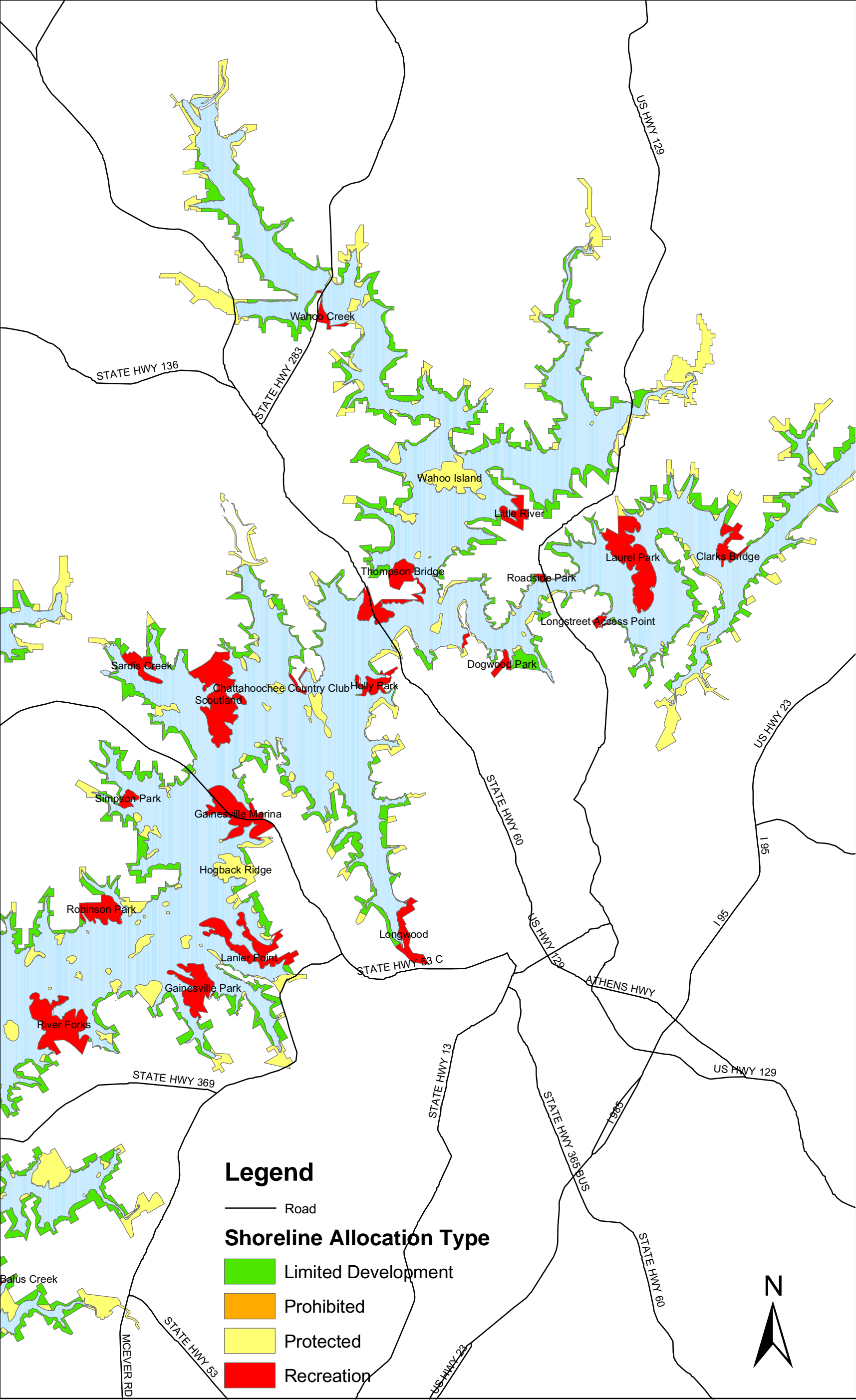
Exhibit 1



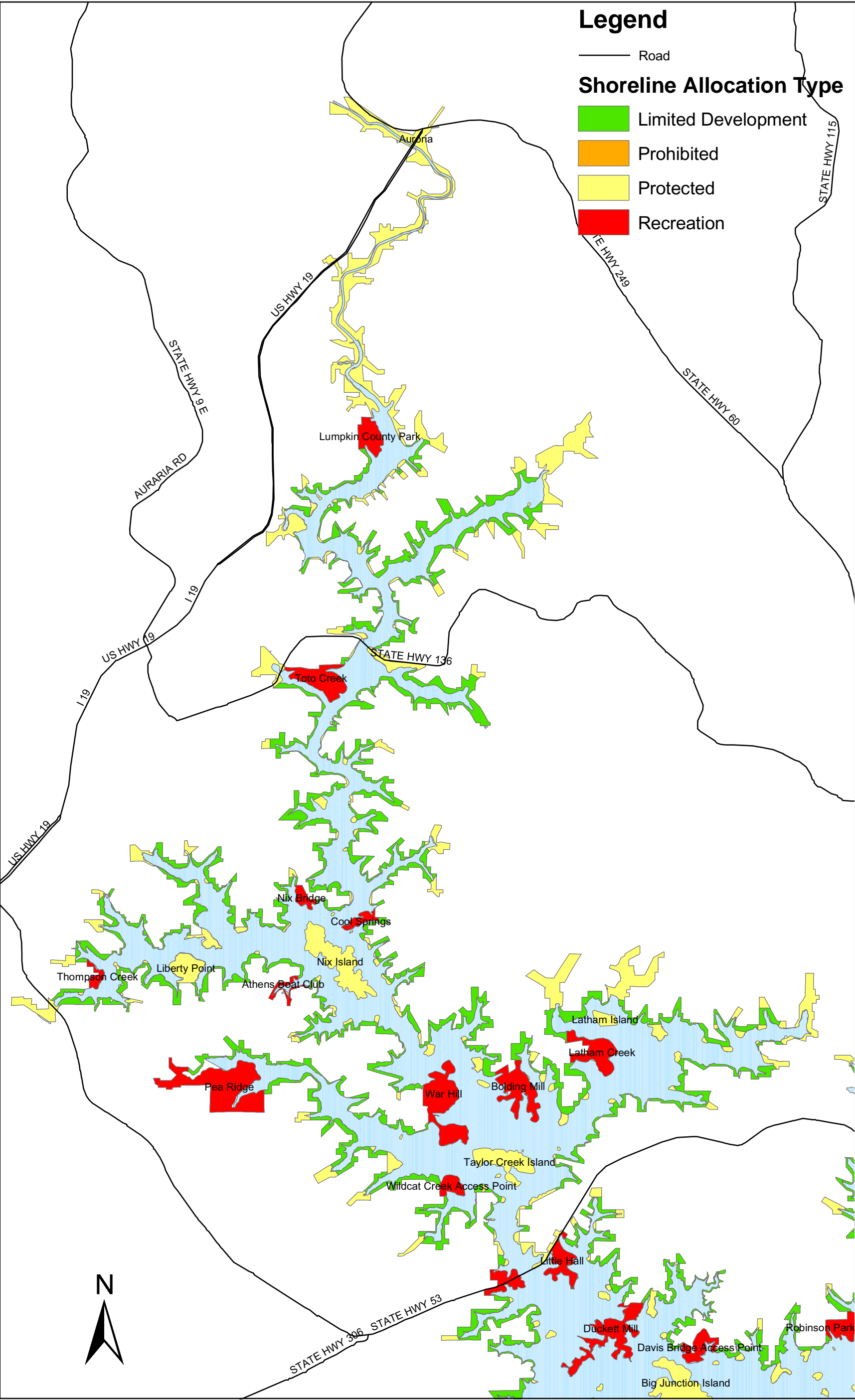
Shoreline Allocation Map



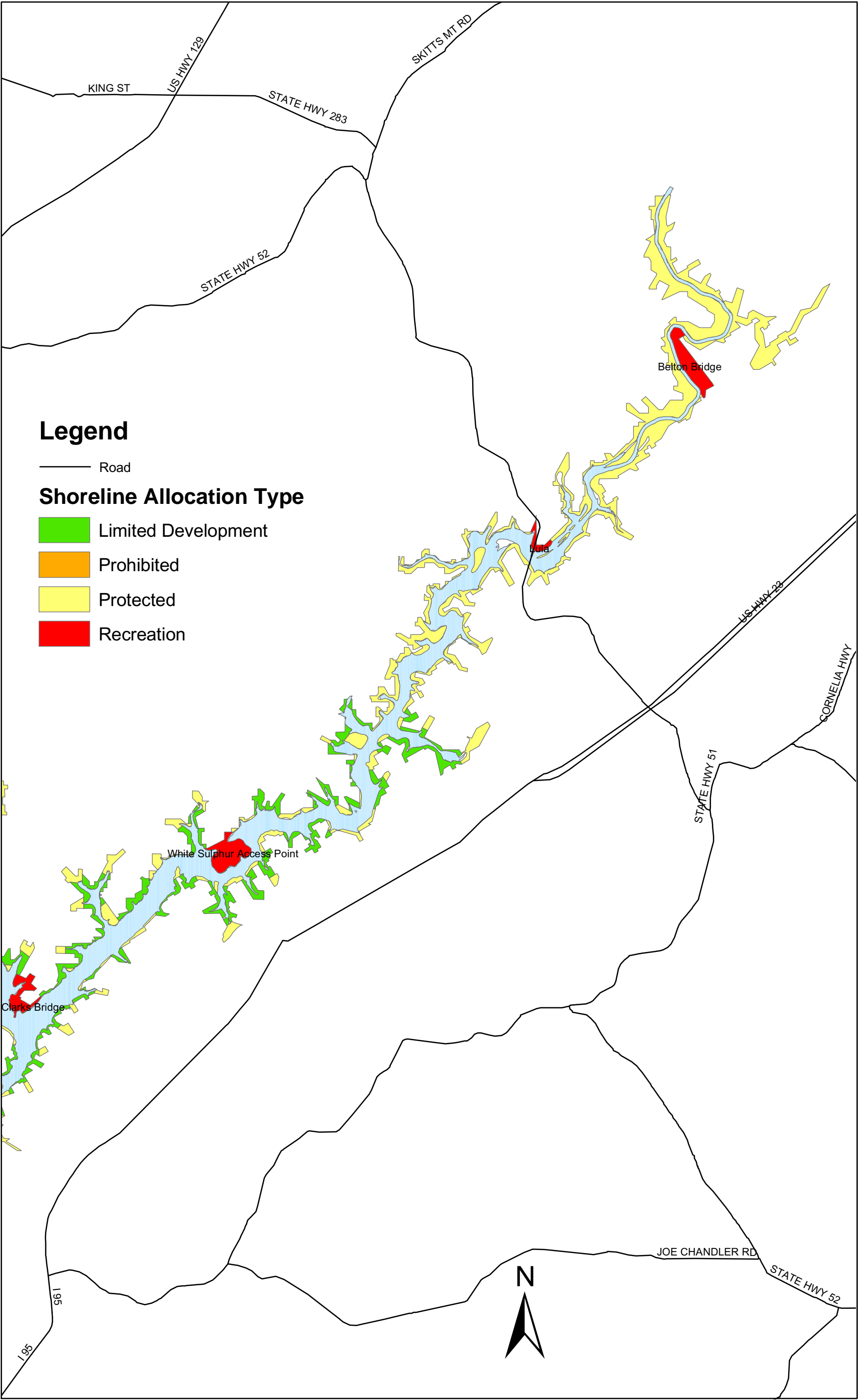
Shoreline Allocation Map



Shoreline Allocation Map



Shoreline Allocation Map



Shoreline Allocation Map

Exhibit 2

**U.S. Army Corps of Engineers
1050 Buford Dam Road
P.O. Box 567
Buford, GA 30515-0567**

Office: 770-945-9531 Fax: 770-945-7428
Water Release Schedule: 770-945-1466 Lake Info: 770-945-1467

STREAM DATA

Drainage area (square miles).....1040
Average stream flow
(CUBIC FEET PER SECOND).....2024

LAKE

ELEVATION (feet above sea level)
Top of flood control pool.....1085
Top of power pool.....1071
Bottom of power pool.....1035

STORAGE CAPACITIES (acre feet)
For flood control.....637,000
For power production.....1,049,400
In permanent pool.....868,000
At 1070 msl there are 624,744,141,120 gallons of
water in the lake.

DAM

ELEVATIONS (feet above mean sea level)
Top of dam and saddle dikes.....1106
Crest of spillway.....1085

DIMENSIONS (feet)

Length along top of dam
And intake structure.....2,360
Total length of saddle dikes.....6,600
Height of dam above river bed.....192
Width of spillway chute.....100

QUANTITY OF FILL

(cubic yards, approximate)
Dam3,751,000
Saddle dikes.....771,000

AREAS AND LENGTHS OF SHORELINE

| | Area (Acres) | Shoreline (Miles) |
|------------------------------|-----------------|----------------------|
| Top of flood control pool... | 47,000 | 752 |
| At top of power pool..... | 39,000 | 692 |

POWER DEVELOPMENT

Power UNITS (kilowatts)
Two main units, each.....40,000
One service unit.....6,000

BRIDGE ELEVATIONS

| BRIDGE | ELEVATION* |
|-----------------------|-------------------|
| Lanier Islands Bridge | 1085 |
| Two Mile Bridge | 1083 |
| Browns Bridge | 1088 |
| Lanier Bridge | 1092 |
| Thompson Bridge | 1091 |
| Longstreet Bridge | 1114 |
| Clarks Bridge | 1082 |
| Bells Mill Bridge | 1083 |
| Lula Bridge | 1086 |
| Belton Bridge | 1085 |
| Bolling Bridge | 1085 |
| Toto Creek Bridge | 1096 |
| Wilkie Bridge | 1086 |
| Six Mile Creek Bridge | 1081 |
| Flowery Branch Bridge | 1083 |
| Wahoo Creek Bridge | 1078 |

*Bottom of span-MSL; center of bridge

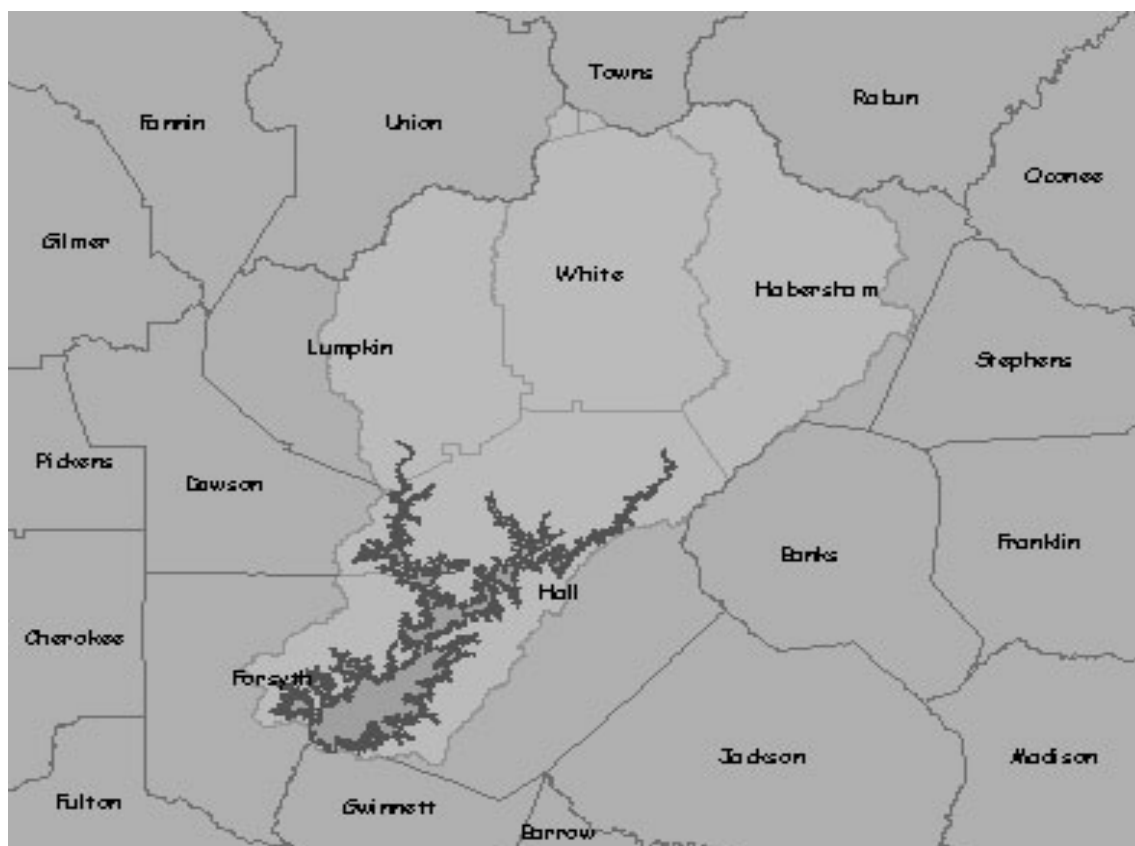
Lake Lanier Elevation Extreme for Each Calendar Year Since 1957

| YEAR | HIGHEST | DATE | LOWEST | DATE |
|-------------|----------------|-------------|----------------|-------------|
| 1956 | | | 928.85 | Apr 1 |
| 1957 | | | 1013.71 | Jan 1 |
| 1958 | 1068.9 | Jan 4 | 1047.08 | Jan 1 |
| 1959 | 1071.92 | Jul 15 | 1060.68 | Jan 21 |
| 1960 | 1072.08 | Apr 5 | 1061.37 | Dec 30 |
| 1961 | 1070.86 | Apr 17 | 1060.87 | Feb 1 |
| 1962 | 1072.03 | Apr 14 | 1059.47 | Dec 19 |
| 1963 | 1073.96 | May 2 | 1060.42 | Jan 1 |
| 1964 | 1077.19 | Apr 14 | 1066.17 | Jan 1 |
| 1965 | 1071.78 | Mar 27 | 1064.22 | Dec 31 |
| 1966 | 1072.95 | Mar 7 | 1064.12 | Jan 5 |
| 1967 | 1073.53 | Aug 28 | 1066.81 | Jan 2/4 |
| 1968 | 1070.71 | Jun 10/11 | 1058.74 | Nov 16 |
| 1969 | 1071.53 | Apr 21 | 1061.5 | Dec 24 |
| 1970 | 1070.47 | Jun 8 | 1057.57 | Dec 18 |
| 1971 | 1071.74 | Aug 3 | 1064.07 | Nov 29 |
| 1972 | 1072.2 | Jan 14 | 1058.92 | Nov 3 |
| 1973 | 1073.55 | Jun 7 | 1065.44 | Jan 1 |
| 1974 | 1073.18 | Apr 5 | 1061.37 | Nov 16 |
| 1975 | 1073.08 | Mar 17 | 1062.87 | Jan 3 |
| 1976 | 1075.81 | Apr 2 | 1065.85 | Nov 25 |
| 1977 | 1076.25 | Apr 6 | 1064.13 | Oct 1 |
| 1978 | 1072.6 | Jan 27 | 1058.03 | Dec 2 |
| 1979 | 1076.03 | Mar 31 | 1058.77 | Jan 1 |
| 1980 | 1076.07 | Mar 31 | 1063.04 | Dec 29 |
| 1981 | 1067.53 | Jun 13 | 1052.66 | Dec 24 |
| 1982 | 1070.72 | Dec 13 | 1053.64 | Jan 1 |
| 1983 | 1073.25 | Apr 11 | 1062.98 | Nov 19 |
| 1984 | 1073.18 | May 9 | 1065.5 | Nov 27 |
| 1985 | 1071.17 | May 14 | 1064.66 | Nov 29 |
| 1986 | 1065.12 | Mar 24 | 1054.85 | Oct 9 |
| 1987 | 1071.8 | Jul 6 | 1057.91 | Dec 14 |
| 1988 | 1063.77 | Apr 26 | 1056.62 | Dec 23 |
| 1989 | 1072.32 | Jul 31 | 1056.81 | Jan 1 |
| 1990 | 1075.25 | Mar 20 | 1059.88 | Dec 18 |
| 1991 | 1073.1 | May 6 | 1061 | Jan 1 |
| 1992 | 1073 | Dec 22 | 1064.69 | Jan 1 |
| 1993 | 1073.57 | Jan 14 | 1059.26 | Nov 26 |
| 1994 | 1073.6 | Aug 18 | 1059.9 | Jan 1 |
| 1995 | 1072.05 | Mar 9 | 1064 | Oct 3 |
| 1996 | 1074.63 | Feb 4 | 1064.16 | Nov 23 |

| | | | | |
|------|---------|---------|---------|--------|
| 1997 | 1072.54 | May 5 | 1064.88 | Oct 24 |
| 1998 | 1073.08 | May 4 | 1062.18 | Dec 23 |
| 1999 | 1068.69 | May 15 | 1062.27 | Oct 10 |
| 2000 | 1068.4 | May 10 | 1055.98 | Dec 31 |
| 2001 | 1062.8 | June 12 | 1055.61 | Jan 17 |
| 2002 | | | 1058.76 | Dec 9 |

Special notes:

1. Gates were closed February 1956.
2. Pool elevation (1070.00) was reached at 7:00 a.m. on May 25, 1959.
3. All trees were topped at elevation 1035 with the exception of fish shelters.
4. Highest recorded lake level is 1077.19 in 1964 (7+ ft. above full pool).
5. The Lowest recorded lake level was 1052.66 in 1981 (17+ ft. below full pool).



LAKE SIDNEY LANIER DRAINAGE BASIN

Lake Lanier Shoreline Allocations

(Elevation 1071 feet msl)

| Allocation¹ | Shoreline Length (miles) | Percent of Total Shoreline | Acres | Percent of Project Property |
|---|---------------------------------|-----------------------------------|-----------------|------------------------------------|
| Limited Development Areas (LDA) | 344.70 | | | |
| LDA in water ¹ | 9.13 | | | |
| Total LDA | 353.83 | 47.0% | 6,186.6 | 34.9% |
| Protected along <i>main</i> shoreline | 177.44 | 23.6 | 5,079.8 | 28.6% |
| Protected in water | 3.14 | | | |
| Protected along <i>island</i> shoreline | 59.28 | 7.9% | 1,083.9 | 6.1% |
| Total Protected | 239.86 | 31.9% | 6,163.6 | 34.7% |
| Recreation along <i>main</i> shoreline | 136.80 | 18.2% | 4,479.1% | 25.2 |
| Recreation in water | 0.28 | | | |
| Lake Lanier Islands Resort islands | 19.53 | 2.6% | 850.4 | 4.8% |
| Total Recreation | 156.61 | 20.8% | 5,329.5 | 30.0% |
| Prohibited Areas | 1.74 | 0.2% | 64.9 | 0.4% |
| Total Allocation | 752.05 | 100.0% | 17,744.6 | 100.0% |
| Total Main Shoreline² | 692.77 | | | |
| Total Island Shoreline | 59.28 | | 1,083.9 | |
| Total Shoreline | 752.05 | | | |
| Total Lake Surface Area at 1,071 | | | 39,038.1 | |

¹“In water” refers to areas where the Corps boundary runs into the water. It is assumed that the shoreline paralleling these segments is of the same allocation as the adjacent shoreline segments.

² Includes Lake Lanier Islands Resort islands.

Exhibit 3



**US Army Corps
of Engineers**
Mobile District

Facility Inspection Report



**US Army Corps
of Engineers**
Mobile District

1. All facilities permitted for use must be operated, used and maintained in a safe and structurally sound condition at all times. Facility inspection of Shoreline Use Permits is required at the time of permit renewal, change of ownership or at the discretion of the Operations Manager. This form must be completed and signed by a “full membership” level home inspector in the American Society of Home Inspectors (ASHI) or Georgia Association of Home Inspectors (GAHI).

2. For ASHI and GAHI Inspectors:

- If deficiencies are found a re-inspection is required to assure the items are corrected.

3. For the Permittee:

- Completion of this form DOES NOT satisfy the electrical component of the inspection. Separate form “Exhibit C” must be completed and signed by a Licensed Electrician to assure electrical components are in compliance.
- If non-encapsulated Styrofoam material was replaced, verification of proper disposal must be submitted with this report. Verification may be in the form of a weight ticket from an approved landfill. Issuance of permit may be denied if proof of disposal is not provided.

4. Once deficiencies are corrected and re-inspected a copy of this report must be provided to:

US Army Corps of Engineers
ATTN: Lakeshore Management
PO Box 567
Buford, GA 30515-0561

| |
|---------------------------|
| |
| |
| |
| |
| Name/Address of Permittee |

| |
|-------------------------------------|
| Shoreline Use Permit/License Number |
|-------------------------------------|

1. Floating Facilities

- ☐ Dock Flotation requires replacement.
- ☐ Structural support system requires repair. (Metal welds)
- ☐ Dock decking requires repair.
- ☐ All Walkways less than 4 feet wide must have a handrail. The handrail must be a minimum of 42 inches high with a double rail.
- ☐ Facility surface may not be carpeted.
- ☐ Dock storage box exceeds allowable dimensions of 8 feet long, 4 feet wide, 2.5 feet high. The box must be removed.
- ☐ Dock requires housekeeping, remove trip hazards.
- ☐ Improperly mounted water pump/may not be submerged.
- ☐ Water lines and water pumps must be attached to the dock. They may not be placed in the water/lakebed.
- ☐ Unauthorized fixtures/equipment/diving board.
- ☐ Sides/walls prohibited.
- ☐ Unauthorized boat hoist.
- ☐ Upper deck railing must be continuous and rigid. Openings in the railing are unauthorized.
- ☐ Second level deck roofs/coverings are prohibited.
- ☐ Dock is not at authorized location and must be relocated.

- ☐ Dock/boat creates a navigation hazard and must be relocated.
- ☐ Unauthorized dock/exceeds permitted size.
- ☐ Dock ramp exceeds permitted size.
- ☐ Improperly anchored/anchored to trees.
- 2. Landbased Facilities**
- ☐ Electrical service requires certification upon renewals, change of ownerships, or modifications of the facility.
- ☐ Electrical service fails NEC/CORP requirements.
- ☐ Use of extension cord as a service feeder is prohibited.
- ☐ All electric, water and telephone/intercom lines must be buried along the pathway.
- ☐ Elevated/raised steps, boardwalk prohibited.
- ☐ Pathway steps are not properly installed or are unstable. Minimum size requirements for steps are 8 inches tall by 8 inches deep by 4 feet in width.
- ☐ Discharge line not authorized on public property (includes rain gutter discharge lines).
- ☐ Temporary steps to lakebed must be removed to private land.
- ☐ Footbridge requires repair.

3. Grandfathered Facilities

- ☐ Dock walkways from shoreline greater than 40 feet in length must comply with current standards. The excess ramp length must be removed.

4. Vegetation/Landforms

- ☐ Unauthorized limbing/cutting of vegetation.
- ☐ Unauthorized removal of forest litter/leaves/humus.
- ☐ Unauthorized burning.
- ☐ Improperly installed silt barriers on private property are causing erosion/siltation on public land. Silt barriers must be reinstalled properly.
- ☐ Excessive erosion is occurring along the pathway due to improper installation of the path.
- ☐ The planting or alteration of terrain on public property is unauthorized.

5. Minor Encroachments

- ☐ Remove all unauthorized/unpermitted personal property.
- ☐ Remove all man made debris/stored items from public land.

6. Other

- ☐ Major encroachments (portions of house, deck, driveway, etc.)

7. Comments:

Date of Inspection

Name of Inspector

I CERTIFY THAT THE DEFICIENCIES PREVIOUSLY NOTED HAVE BEEN REPAIRED/RESOLVED AND THE PERMITTED FACILITIES ARE IN COMPLIANCE WITH THE PERMIT CONDITIONS.

Date

Inspectors Signature

ASHI/GAHI Membership # _____

REQUIREMENTS FOR INSTALLATION AND USE OF ELECTRIC SERVICE
ON GOVERNMENT PROPERTY AT LAKE SIDNEY LANIER

Note: All installations must meet or exceed National Electric Code standards for **WET** locations, Marinas and Boatyards (Article 555) and any additional requirements set by the Corps of Engineers as listed below.

A. Installation from property line to shoreline service pole.

1. Must be underground and follow access path (no overhead wiring).
2. Only types UF and USE cable may be used.
3. Installation requirements.
 - a. Cables may be direct buried or enclosed in approved conduit.
 - b. Minimum burial depth is 24"
 - c. Warning tape must be buried at 12" depth.

B. Service Pole.

1. Cannot be set below elevation 1073 m.s.l.
2. Maximum 6" square or 6" diameter & 10' long, (8" max. above the ground).
3. Wooden post only - no utility poles.

C. Shoreline service panel box.

1. Must be at eye level, but no less than five feet above the ground.
2. Cable leading from the ground into panel must be enclosed in conduit and hard wired.

D. Service from shoreline panel box to boatdock.

1. Cable from panel box must be hard-wired into ground-fault circuitry.
2. Only approved for wet locations may be used.
3. Locking & grounding receptacles and plugs are required at shoreline distribution panel and/or service connections to floating facility and all ship to shore receptacles.
4. Surplus cable for use during low lake elevations must be coiled and attached to service pole.

E. Receptacles.

1. All receptacles:
 - a. Must have ground-fault protection at service pole.
 - b. Must be in weatherproof receptacle boxes with self-closing caps.
 - c. Maximum number of receptacles on dock is two single or one duplex.
2. Receptacles providing shore power for boats:
 - a. 20 ampere minimum rating.
 - b. Must be locking and grounding type.
3. Convenience outlets:
 - a. 15 and 20 ampere rated only.
 - b. Must be unplugged when unattended and not in use.
4. Receptacle height:
 - a. On service post - minimum 4' above the ground.
 - b. On boatdock - minimum of 30" above the deck.

F. Dock wiring.

1. Must be approved for wet locations and enclosed in conduit.
2. End of conduit must be installed to prevent entry of moisture.
3. Links of liquidtight flexible conduit must be utilized at moveable ramp and dock joints.

G. Lighting.

1. Minimum requires for safe access will be allowed.
2. Maximum bulb size for any purpose is 150 watts.
3. Fixtures and lights must be approved for wet locations and cannot be mounted to extend beyond the outer perimeter of the boatdock.
4. All lights must be aimed downward.
5. Lighting along path may be "mushroom" type with no exposed wiring.

H. General guidelines.

1. All breakers, cables, cords and receptacles must be sized to accommodate service needs.
2. It is recommended that a licensed electrician perform installation

EXHIBIT C

| | | | |
|---|------------|-----------------------|--|
| I CERTIFY THAT ELECTRICAL INSTALLATION AUTHORIZED BY SHORELINE USE PERMIT _____ MEETS OR EXCEEDS NEC & CORPS REQUIREMENTS | | | |
| ELECTRICIAN SIGNATURE _____ | DATE _____ | GA STATE LIC. # _____ | |
| PERMITTEE SIGNATURE _____ | DATE _____ | PERMIT # _____ | |

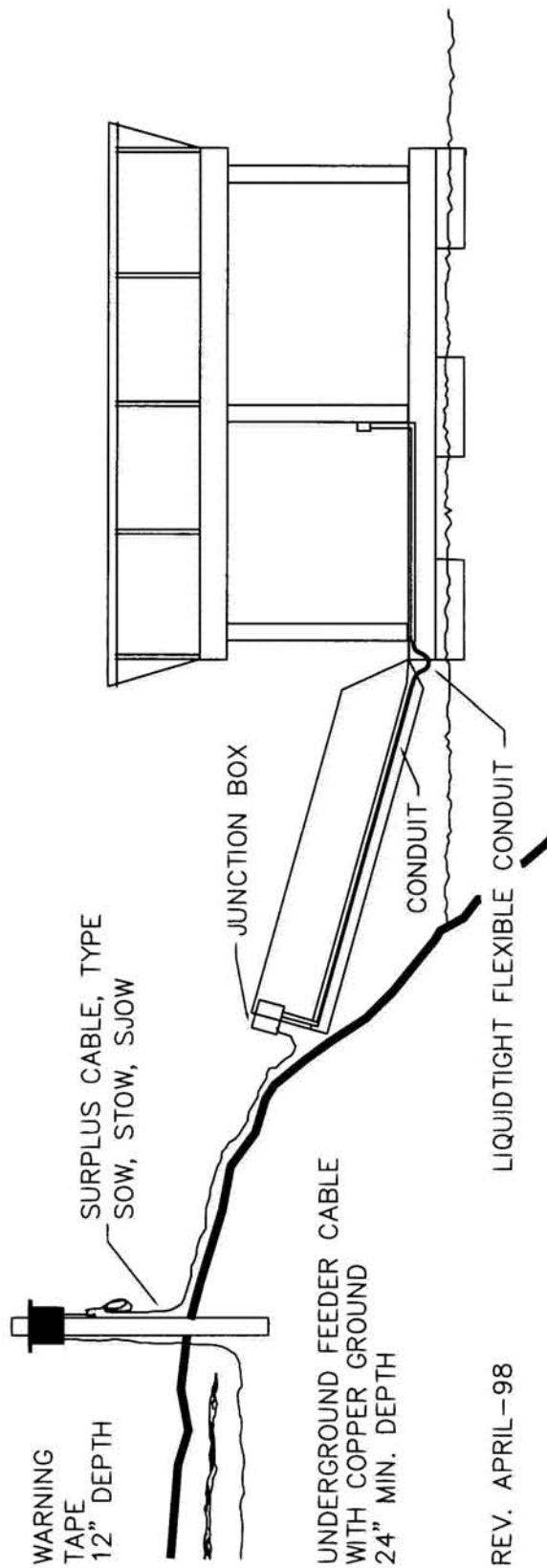
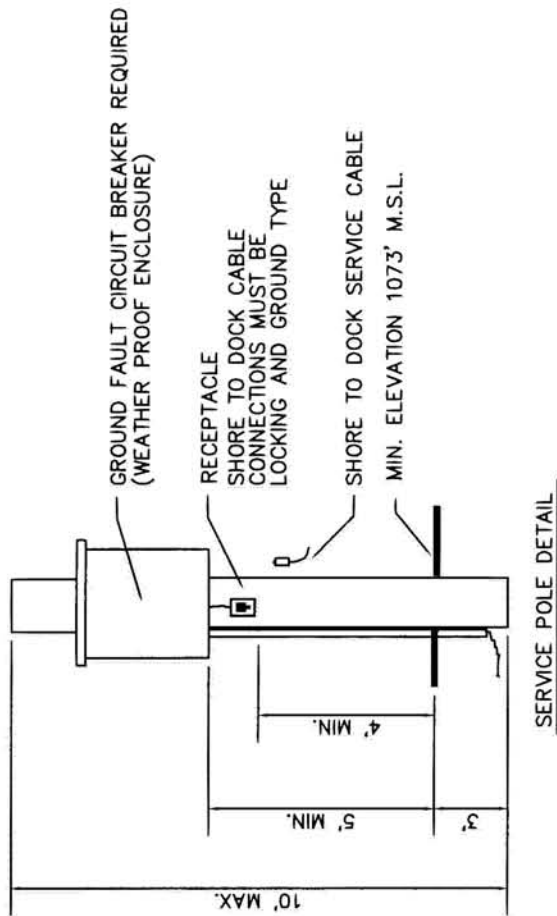
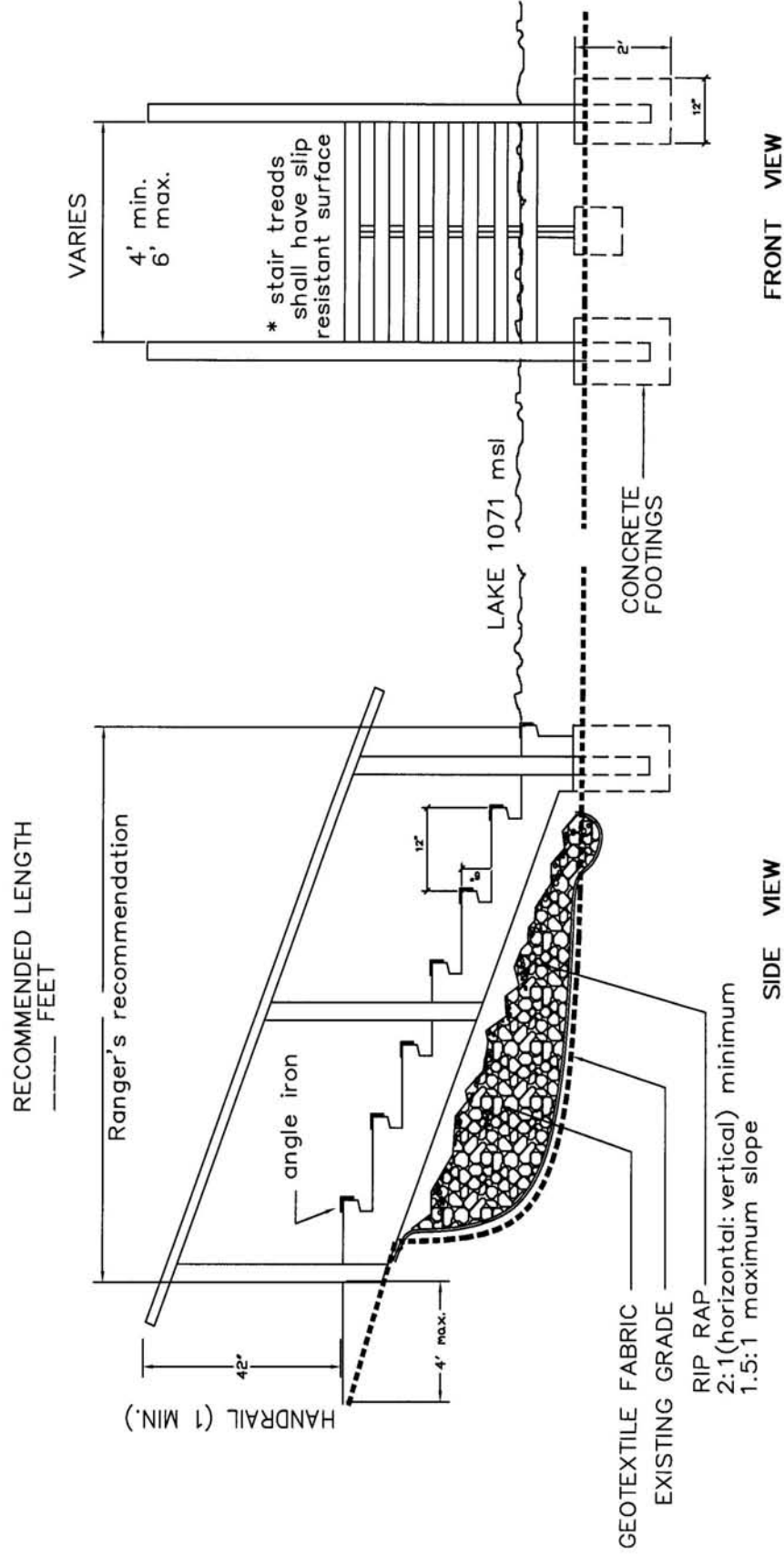


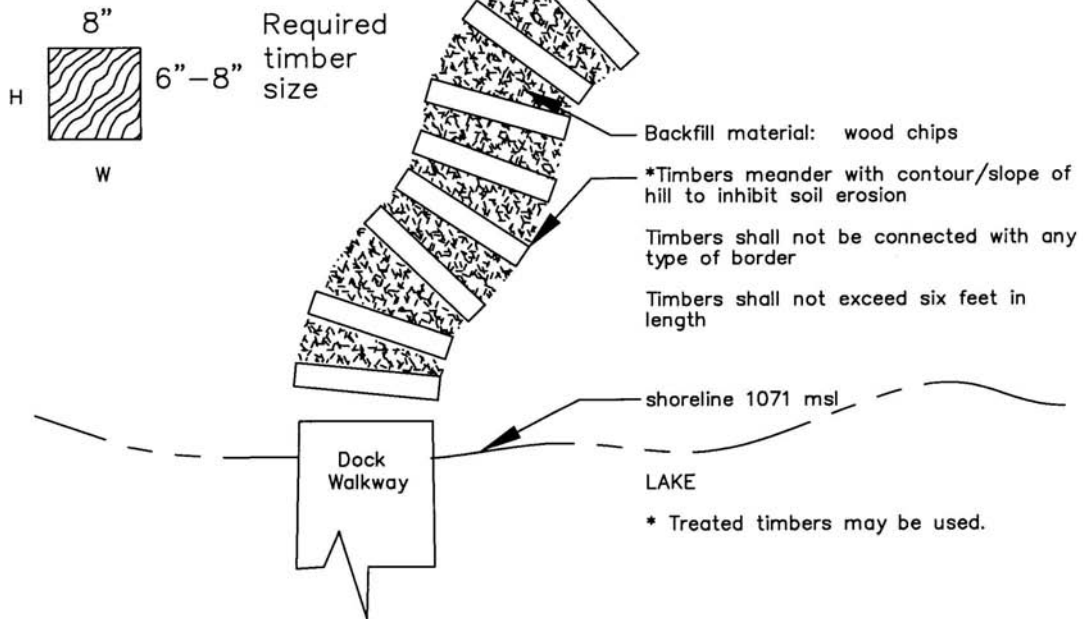
Exhibit 4

CONCEPTUAL FIXED STEPS DETAIL

rev. July 2000
SCALE: NOT TO SCALE



WALKWAY PLAN VIEW



WALKWAY CONSTRUCTION CROSS-SECTION

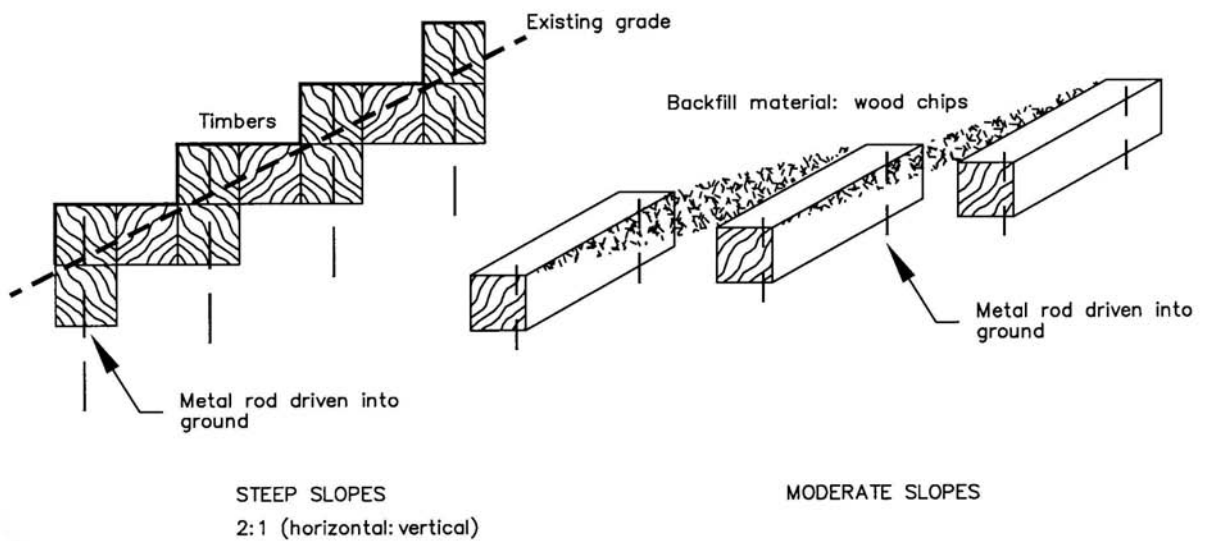
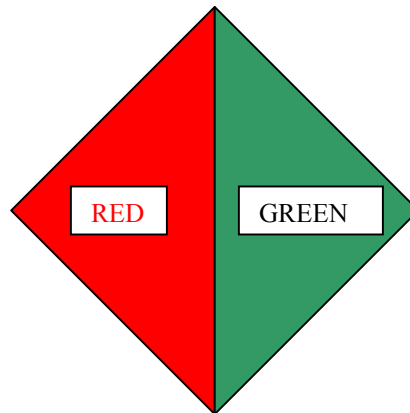


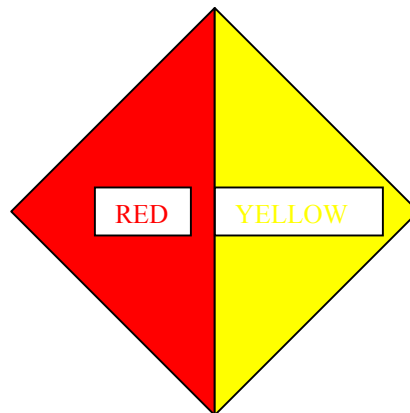
Exhibit 5

SHORELINE ALLOCATION SIGNAGE



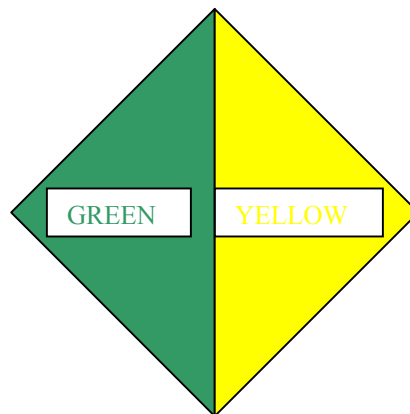
Recreation Area

Limited Development Area



Recreation Area

Protected Area



Limited Development Area

Protected Area

Exhibit 6

MISCONCEPTIONS

Contrary to frequent rumors, ongoing survey efforts at Lake Lanier are not being performed to move present property lines. The Government line is currently monumented in its permanent location, except in isolated cases where land exchanges, acquisitions or disposals would alter the property line location. Permanent survey markers are located at all property corners except where they have been accidentally destroyed by construction or by vandalism. The maintenance survey effort that is observed around the lake involves replacing missing property corners, repainting line reference trees, and setting intermittent "Point On Line" monuments between property corners. The "Point On Line" monuments will aid both reservoir personnel and adjacent property owners in locating the property line on long tangents where neither property corner marking the end of the tangent can be easily viewed. A source of misunderstanding concerning the Government property line occurs when one assumes that the painted line reference trees are the exact property line. These trees are painted to alert the observer that a property line is nearby. Also, signs are placed on some of these painted trees stating "United States Army Engineer District, Mobile - Boundary Line Nearby" or "United States Army Engineer District, Mobile - Easement Line". If activities require knowing exactly where the line is, a private registered land surveyor should be contacted. Since these painted trees are not on the exact property line, repainting may give the appearance to an adjacent property owner that the line has been "moved" when, in fact, it may only indicate that a different tree was painted.

QUESTIONS

If you have questions about the location of the boundary line, contact the Lake Lanier Resource Manager's Office: (770) 945-9531. A field appointment with a Corps ranger can be scheduled to answer any questions you may have concerning public property and our Lakeshore Use Permit Program.

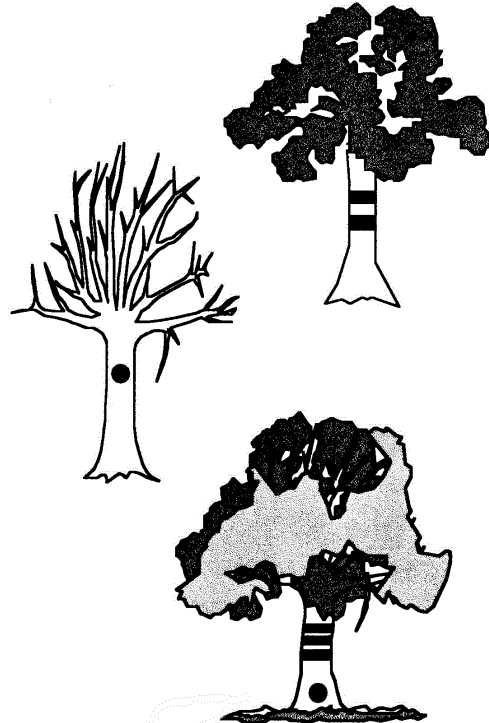
**U.S. Army Corps of Engineers
Lake Sidney Lanier
P.O. Box 567
Buford, GA 30518**



**US Army Corps
of Engineers**

Mobile District

BOUNDARY LINE MARKINGS AND PERMITTED USES OF PUBLIC LAND AT LAKE LANIER



INTRODUCTION

Annually, Lake Sidney Lanier provides a source of recreation for more than 19 million visitor days of use. The popularity of Lake Lanier's 38,000 acres of water and over 19,000 acres of land (at 1070 mean sea level) has made it the most highly visited Corps of Engineers lake in the nation. Resource protection and management is necessary to preserve the project for future generations while providing quality recreation opportunities for today's visitors. Management must insure a balance between the recreation user, the environment, and conservation of project resources. Consideration must also be given to conflicting uses between the general public and the owners of adjacent private property.

PERMITTED PRIVATE USE

The Lakeshore Management Plan furnishes guidance for the protection and preservation of environmental characteristics of Lake Lanier's shoreline. Copies of the plan are available at the Resource Manager's Office. Public land adjacent to the lake is delineated into different areas of use. This designation of public land allows the District Engineer to approve specific types of private use in certain areas around the lake. Private use is regulated through a Lakeshore Use Permit program that may allow individuals with approved access to public land to construct and/or install specific facilities, such as a boat dock, or water and electric lines. Although private facilities may be authorized, the ownership of adjacent private land does not convey any exclusive rights to public land. The placing of structures or special use of public land without prior written authorization or deviation from the terms of the authorization may constitute a violation of Title 36, Part 327, United States Code of Federal Regulations.

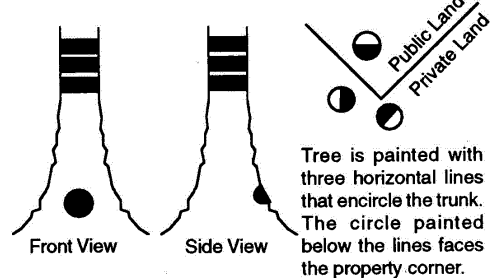
Without proper authorization, the construction, placement, or continued existence of any structure or item of any kind under, upon, in, or over the project lands or waters and/or the destruction, injury, defacement, removal, or any alteration of public property including natural formations, historical and archeological features, and vegetation growth is unlawful.

The Corps of Engineers requests the assistance of all citizens in preventing encroachments on public or private land around Lake Lanier. To assist in identifying public property at Lanier, an extensive boundary maintenance program exists that includes the brushing out and painting of the boundary line every 3 to 5 years.

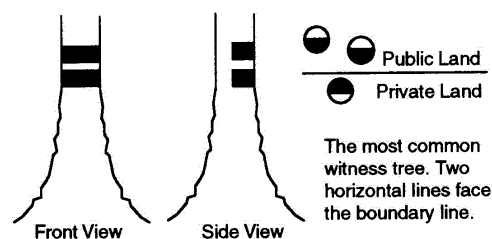
BOUNDARY LINE WITNESS MARKINGS

"Painting the boundary line" actually means painting witness trees near the line. At Lake Lanier, red paint is used to mark witness trees along the fee boundary. White paint is used to identify the limits of Government owned easements. Drawings 1 through 3 illustrate the different types of markings and describes their meanings.

1 CORNER WITNESS TREE



2 LINE WITNESS TREE



3 CENTER LINE TREE

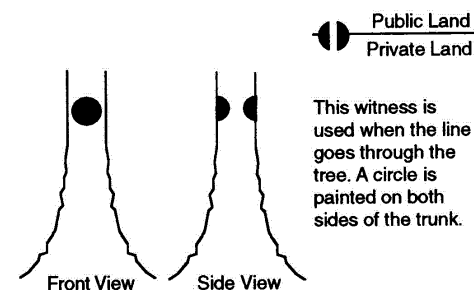


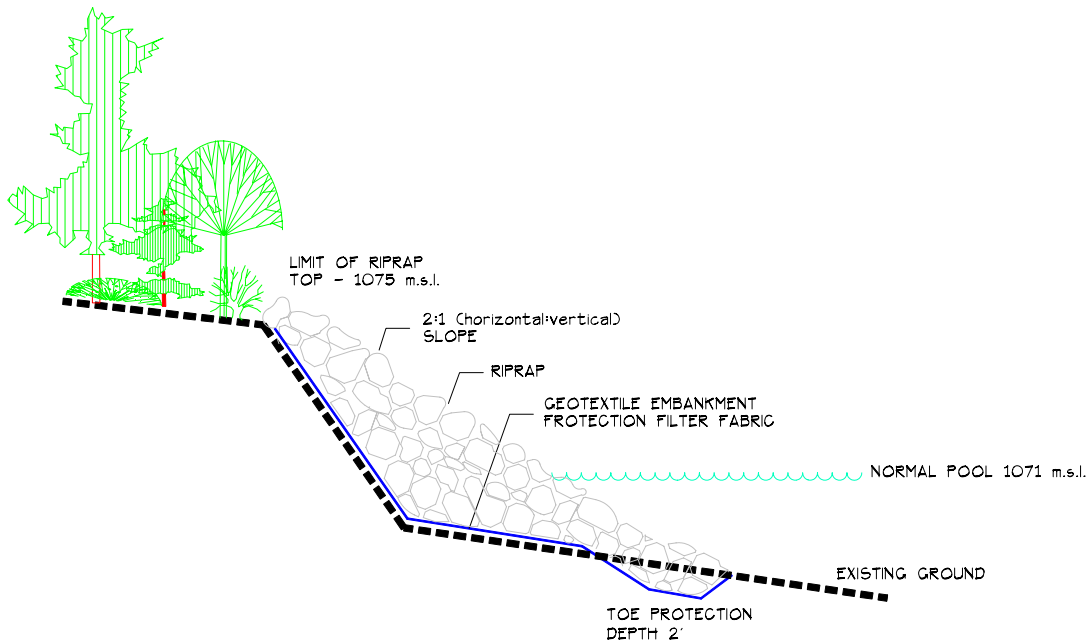
Exhibit 7

Riprap

Riprap is a layer of loose stone over the soil. The layer relies entirely on the weight of the stones to prevent displacement by waves; there is no binding force other than surface friction. After installation, the bank shall have a slope of 2:1 or flatter.

Advantages: A riprap structure is flexible and is not impaired by differential settlement. Limited damage is easily repaired.

Disadvantages: (1)On shores with waves greater than 3 feet in height, sufficiently large stone sizes may be difficult to obtain from local suppliers. (2)Heavy equipment may be required for grading the bluff and placing large stones. (3)The rough stone surface limits access to the water.



It is essential that the rock be large enough to be immovable even by the largest expected waves. The sizes in the following tables are from Moulton (1991, Table 12.8):

| Wave height (ft) | Size of graded riprap stone (in.) | | | Thickness of riprap layer (in.) |
|------------------|-----------------------------------|---------|---------|---------------------------------|
| | Maximum | Average | Minimum | |
| 1 | 15 | 10 | 5 | 16 |
| 2 | 18 | 12 | 6 | 20 |
| 3 | 21 | 14 | 7 | 22 |
| 4 | 24 | 16 | 8 | 26 |
| 5 | 27 | 18 | 9 | 30 |

To prevent movement of underlying soil through the stone layer, a layer of filter cloth must be placed under the riprap. The filter prevents the soil from being dragged and pumped out between the interstices of the rocks, undercutting the riprap. Riprap is the most economical of the shoreline protection methods approved in the Lakeshore Management Plan. A Specified Acts Permit must be obtained from the Corps of Engineers prior to commencement of work. Contact the Corps office at 770-945-9531 for additional information.

Exhibit 8

Native Trees of Lake Lanier

| Common Name | Scientific Name |
|------------------------|-------------------------------|
| Allegheny chinkapin | <i>Castanea pumila</i> |
| Alternate-leaf dogwood | <i>Cornus alternifolia</i> |
| American beech | <i>Fagus grandifolia</i> |
| American chestnut | <i>Castanea dentate</i> |
| American elm | <i>Ulmus americana</i> |
| American holly | <i>Ilex opaca</i> |
| American mountain ash | <i>Sorbus americana</i> |
| American plum | <i>Prunus americana</i> |
| American sycamore | <i>Platanus occidentalis</i> |
| Bald cypress | <i>Taxodium distichum</i> |
| Basswood | <i>Tilia heterophylla</i> |
| Bitternut hickory | <i>Carya cordiformis</i> |
| Black cherry | <i>Prunus serotina</i> |
| Black locust | <i>Robina pseudoacacia</i> |
| Black oak | <i>Quercus velutina</i> |
| Black tupelo | <i>Nyssa sylvatica</i> |
| Black walnut | <i>Juglans nigra</i> |
| Black willow | <i>Salix nigra</i> |
| Blackjack oak | <i>Quercus michauxii</i> |
| Box elder | <i>Acer negundo</i> |
| Buckthorn bumelia | <i>Bumelia lycoides</i> |
| Butternut | <i>Juglans cinera</i> |
| Carolina buckthorn | <i>Rhamnus caroliniana</i> |
| Chalk Maple | <i>Acer leucoderme</i> |
| Cherry Birch | <i>Betula lenta</i> |
| Chestnut Oak | <i>Quercus prinus</i> |
| Chickasaw plum | <i>Prunus angustifolia</i> |
| Cockspur hawthorn | <i>Crataegus crus-galli</i> |
| Common chokecherry | <i>Prunus virginiana</i> |
| Common hoptree | <i>Ptelea trifoliata</i> |
| Common juniper | <i>Juniperus communis</i> |
| Common sweetbay | <i>Symplocos tinctoria</i> |
| Cucumber tree | <i>Magnolia acuminata</i> |
| Devil's walking stick | <i>Aralia spinosa</i> |
| Downy serviceberry | <i>Amelanchier arborea</i> |
| Dwarf chinkapin oak | <i>Quercus prinoides</i> |
| Eastern cottonwood | <i>Populus deltoids</i> |
| Elderberry | <i>Sambucus canadensis</i> |
| Flatwood plum | <i>Prunus umbellata</i> |
| Florida maple | <i>Acer barbatum</i> |
| Flowering dogwood | <i>Cornus florida</i> |
| Fraser magnolia | <i>Magnolia fraseri</i> |
| Fringetree | <i>Chionanthus virginicus</i> |
| Georgia oak | <i>Quercus georgiana</i> |
| Green ash | <i>Fraxinus pennsylvanica</i> |
| Hackberry | <i>Celtis laevigata</i> |
| Heart-leaved willow | <i>Salix rigida</i> |
| Honeylocust | <i>Gleditsia triacanthos</i> |
| Hop Hornbeam | <i>Ostrya virginiana</i> |
| Ironwood | <i>Carpinus caroliniana</i> |
| Littlehip hawthorn | <i>Crataegus spathulata</i> |
| Loblolly pine | <i>Pinus taeda</i> |

Native Trees of Lake Lanier

| Common Name | Scientific Name |
|------------------------------|--------------------------------|
| Longleaf pine | <i>Pinus palustris</i> |
| Mazzard cherry | <i>Prunus avium</i> |
| Missouri willow | <i>Salix eriocephala</i> |
| Mockernut hickory | <i>Carya tomentosa</i> |
| Muehlenberg oak | <i>Quercus muehlenbergii</i> |
| Northern Red oak | <i>Quercus rubra</i> |
| Osage orange | <i>Maclura pomifera</i> |
| Overcup oak | <i>Quercus marilandica</i> |
| Painted buckeye | <i>Aesculus sylvatica</i> |
| Paw paw | <i>Asimina triloba</i> |
| Persimmon | <i>Diospyros virginiana</i> |
| Pignut hickory | <i>Carya glabra</i> |
| Pin cherry | <i>Prunus pensylvanica</i> |
| Pitch pine | <i>Pinus rigida</i> |
| Post oak | <i>Quercus stellata</i> |
| Red bay | <i>Persea borbonia</i> |
| Red cedar | <i>Juniperus virginiana</i> |
| Red maple | <i>Acer rubrum</i> |
| Red mulberry | <i>Morus rubra</i> |
| Redbud | <i>Cercis canadensis</i> |
| River birch | <i>Betula nigra</i> |
| Sand hickory | <i>Carya pallida</i> |
| Sassafras | <i>Sassafras albidum</i> |
| Scarlet oak | <i>Quercus coccinea</i> |
| Shagbark hickory | <i>Carya ovata</i> |
| Shortleaf pine | <i>Pinus echinata</i> |
| Shumard oak | <i>Quercus shumardii</i> |
| Silver maple | <i>Acer saccharinum</i> |
| Sourwood | <i>Oxydendrum arboreum</i> |
| Southern red oak | <i>Quercus falcate</i> |
| Southern crabapple | <i>Pyrus angustifolia</i> |
| Sweet crabapple | <i>Pyrus coronaria</i> |
| Sweetbay | <i>Magnolia virginiana</i> |
| Sweetgum | <i>Liquidambar styraciflua</i> |
| Tulip poplar (yellow poplar) | <i>Liriodendron tulipifera</i> |
| Turkey oak | <i>Quercus laevis</i> |
| Umbrella magnolia | <i>Magnolia tripetala</i> |
| Virginia Pine | <i>Pinus virginiana</i> |
| Washington hawthorn | <i>Crataegus phaenopyrum</i> |
| Water hickory | <i>Carya aquatica</i> |
| Water oak | <i>Quercus nigra</i> |
| White ash | <i>Fraxinus americana</i> |
| White oak | <i>Quercus alba</i> |
| White pine | <i>Pinus strobes</i> |
| Willow oak | <i>Quercus phellos</i> |
| Winged elm | <i>Ulmus alata</i> |
| Yellow buckeye | <i>Aesculus octandra</i> |

Native Shrubs of Lake Lanier

| Common Name | Scientific Name |
|--------------------------------|-----------------------------------|
| American barberry | <i>Berberis canadensis</i> |
| American beauty-berry | <i>Callicarpa americana</i> |
| Beaked hazelnut | <i>Corylus americana</i> |
| Black haw | <i>Viburnum prunifolium</i> |
| Black huckleberry | <i>Gaylussacia baccata</i> |
| Bladdernut | <i>Staphylea trifolia</i> |
| Bristly locust | <i>Robina hispida</i> |
| Buttonbush | <i>Cephalanthus occidentalis</i> |
| Carolina silverbell | <i>Halesia carolina</i> |
| Deerberry | <i>Vaccinium stamineum</i> |
| Dense-flowered St. John's Wort | <i>Hypericum densiflorum</i> |
| Dewberry | <i>Rubus</i> spp. |
| Downy viburnum | <i>Viburnum rafinesquianum</i> |
| Drooping leucothoe | <i>Leucothoe axillaries</i> |
| Eastern wahoo | <i>Euonymus atropurpureus</i> |
| Elderberry | <i>Sambucus canadensis</i> |
| Evergreen bayberry | <i>Myrica heterophylla</i> |
| Flame azalea | <i>Rhododendron calendulaceum</i> |
| Hackberry | <i>Celtis occidentalis</i> |
| Hawthorn | <i>Crataegus</i> spp. |
| Hazel alder | <i>Alnus serrulata</i> |
| Highbush blueberry | <i>Vaccinium corymbosum</i> |
| Indigo bush | <i>Amorpha fruticosa</i> |
| Leatherwood | <i>Dirca palustris</i> |
| Maple-leaved viburnum | <i>Viburnum acerifolium</i> |
| Minnie bush | <i>Menziesia pilosa</i> |
| Mountain holly | <i>Ilex ambigua</i> |
| Mountain laurel | <i>Kalmia latifolia</i> |
| Mountain stewartia | <i>Stewartia ovata</i> |
| New Jersey tea | <i>Ceanothus americanus</i> |
| Red chokecherry | <i>Sorbus arbutifolia</i> |
| Rosebay rhododendron | <i>Rhodoendron maximum</i> |
| Rusty black haw | <i>Viburnum rufidulum</i> |
| Scentless mock-orange | <i>Philadelphus inodorus</i> |
| Sheep laurel | <i>Kalmia angustifolia</i> |
| Shrubby St. John's wort | <i>Hypericum prolificum</i> |
| Smooth sumac | <i>Rhus glabra</i> |
| Southern arrowwood | <i>Viburnum dentatum</i> |
| Spicebush | <i>Lindera benzoin</i> |
| Staghorn sumac | <i>Rhus typhina</i> |
| Strawberry bush | <i>Euonymus americanus</i> |
| Swamp rose | <i>Rosa palustris</i> |
| Sweet shrub | <i>Callicarpa floridus</i> |
| Trumpet creeper | <i>Campsis radicans</i> |
| Trumpet honeysuckle | <i>Lonicera sempervirens</i> |
| Virginia willow | <i>Itea virginica</i> |
| Virgin's bower | <i>Clematis virginiana</i> |
| Wild hydrangea | <i>Hydrangea aborescens</i> |
| Wild rose | <i>Rosa carolina</i> |
| Winged sumac | <i>Rhus copallina</i> |
| Witch-hazel | <i>Hamamelis virginiana</i> |
| Yellow-root | <i>Xanthorhiza simplicissima</i> |

Exhibit 9

INTRODUCTION

The U.S. Army Corps of Engineers welcomes you to Lake Sidney Lanier. Constructed by the Corps in 1952, the project has become one of the most popular federally operated facilities in the nation. The Corps of Engineers has been delegated authority by Congress to manage and regulate public use of the lake. As part of its management program the Corps may issue permits to install minor private facilities on certain public lands and waters.

Permit/Licensees are issued for a maximum of five years and are nontransferable. They grant no real estate rights nor convey any private exclusive use privileges on government property. Lake Lanier's shoreline is open to use by the general public.

This guide contains helpful information on how to apply for a "Shoreline Use Permit/License".

WHO MAY APPLY

Individuals who own property adjacent to public lands zoned as "limited development" may apply for a Shoreline Use Permit/License. First-time applicants for new facilities must meet on-site with a Ranger. New owners of existing facilities may apply for a permit at the Resource Manager's Office.

Permit expirations are normally processed automatically. Please keep your mailing address current.

HOW TO APPLY

Contact the Corps Resource Manager's Office at 404/945-9531 and request an appointment with the Ranger responsible for your area of the lake.

The Ranger will meet with you at the property to discuss Shoreline Management policies. If the facilities meet our guidelines, you will be given an application packet to complete and return to the Resource Manager's Office for review and consideration. Final approval will not be given until the Resource Manager's Office reviews and issues the permit.

WHAT TO FILE

- Two (2) completed original applications.
- One (1) copy of your property deed or closing statement. (Note: Must be signed and notarized.)
- One (1) site plan drawing.
- Two (2) standard dock drawings displaying dimensions.
- Electrical certification statement (after installation/upon reauthorization)
- A check made out to: "F & A OFFICER, U.S. ARMY, MOBILE" for \$_____.

WHERE TO FILE

Resource Manager's Office
Lake Sidney Lanier
P.O. Box 567
Buford, Georgia 30518-0567
Telephone: 404/945-9531

WHAT FACILITIES MAY BE AUTHORIZED

| FACILITY TYPE | 5 YEAR RATE ** |
|---|----------------|
| Floating Facility-New | \$30.00 |
| Floating Facility-New Owner | \$30.00 |
| Floating Facility-Modification | \$30.00 |
| Floating Facility-Reissuance | \$30.00 |
| Electric Line | \$35.00 |
| Water Line | \$35.00 |
| Telephone Line | \$35.00 |
| Water Pump | \$35.00 |
| Steps and/or Walkway | \$50.00 |
| Shoreline Protection | No Fee |
| Boat Launching Ramp | \$67.00 |
| Shoreline Access Road | \$58.00 |
| Marine Rail | \$67.00 |
| Patio | \$50.00 |
| Pumphouse | \$20.00 |
| Well | No Fee |
| Picnic shelter | \$50.00 |
| Hand Rail | \$28.00 |
| Land-based Boathouse | \$67.00 |
| Grandfathered items, new authorizations no longer granted. Removal required when facility becomes unsafe or unusable. | |

** RATES ARE SUBJECT TO CHANGE.

HOW TO MODIFY THE PERMIT

Modification to facilities requires prior approval of the Resource Manager. A site review is generally required. Contact your Ranger for additional information.

Exhibit 10

**APPLICATION FOR SHORELINE USE PERMIT/LICENSE
(ER 1130-2-460)**

NOTE: Read Privacy Act Notice, Permit Conditions and CFR
Title 36, Part 327 Prior to Completion of Application.

Please print or type the information requested below.
Submit two signed and completed copies of this application to the Resource Manager.

| | |
|--|---------------------------------|
| Name of Applicant: _____ Home Telephone: _____ | |
| Mailing Address: _____ Work Telephone: _____ | |
| City: _____ State: _____ Zip Code: _____ | |
| Describe facility, activity, or use requested and include location. List boat registration number(s), length and color of boat(s) if this request is for a boat mooring facility. | |
| 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 (NOT IMMEDIATE HOUSEHOLD). | |
| Name: _____ Telephone: _____ | |
| I hereby apply for a permit/license to perform the above described use of public property or that which is authorized by the Corps of Engineers and agree to abide by all regulations, policies, and conditions that govern such privileges. I also agree that NO WORK will begin until I receive WRITTEN APPROVAL to proceed. I have read and understand the Privacy Act Notice and all Thirty-Two Permit Conditions and hereby accept this instrument with all conditions thereof. | |
| _____ Date | _____ Signature of Applicant |

DO NOT WRITE BELOW THIS LINE

Shoreline Use Permit/License

| |
|---|
| Permit/License Number |
| This permit is hereby granted by delegation of the Secretary of the Army under authority conferred on him by the Act of Congress approved 31 August 1951 (USC 140). The applicant is hereby authorized to perform that which is described by the attached Exhibits A/B, C and D of this permit. |
| _____ Resource Manager |

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 the 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 one year of the permit/license issue 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 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. On all new docks and boat mooring buoys, flotation shall be of materials which will not become waterlogged, is not subject to damage by animals, is not subject to deterioration upon contact with petroleum products (gasoline, diesel fuel, oil, or other caustic substances) and will not sink or contaminate the water if punctured. No metal-covered or injected drum flotation will be allowed. Foam bead flotation may be authorized by the District Commander if it is encased in a protective coating to prevent deterioration with resultant loss of beads. Existing flotation will be authorized until it has severely deteriorated and is no longer serviceable or capable of supporting the structure, at which time it should be replaced with approved flotation.

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 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 authorized by permit will be damaged, destroyed or removed. No vegetation of any kind will be planted, other than that specifically described 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 condition 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 the 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.
28. Diving boards, platforms, or similar structures are prohibited. Suspended boat hoists are prohibited without the express written authorization of the Resource Manager.
29. All electrical service must meet or exceed the National Electric Code standards for Wet Locations, Marinas and Boatyards (Article 555) and any additional Corps of Engineers requirements. All electrical installation must be certified by a licensed electrician.
30. All activities /facilities must conform to authorization shown in Exhibits A/B, C and D and the policies of the project Shoreline Management Plan. A copy of the Shoreline Management Plan is available at the Resource Manager's Office.
31. Activities and facilities not expressly authorized by Exhibits A/B, C and D or by CFR Title 36 are prohibited.
32. Special condition(s). See description, Exhibit A/B.

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. Needed for description of facility to assure conditions of permit requirement are met. To provide auditing information for programs with financial involvement. To provide information for contact of responsible party available 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 may 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 11



US Army Corps of Engineers

RULES AND REGULATIONS GOVERNING PUBLIC USE OF CORPS OF ENGINEERS WATER RESOURCES DEVELOPMENT PROJECTS

Title 36 -- Parks, Forests, and Public PropertyCHAPTER III -- U.S. ARMY CORPS OF ENGINEERSPART 327--RULES AND REGULATIONS GOVERNING PUBLIC USE OF WATER RESOURCES DEVELOPMENT PROJECTS ADMINISTERED BY THE CHIEF OF ENGINEERS

| Section | Applicability |
|---------|---|
| 327.0 | Policy |
| 327.1 | Vehicles. |
| 327.2 | Vessels. |
| 327.3 | Aircraft. |
| 327.4 | Swimming. |
| 327.5 | Picnicking. |
| 327.6 | Camping. |
| 327.7 | Hunting, fishing, and trapping. |
| 327.8 | Sanitation. |
| 327.9 | Fires. |
| 327.10 | Control of animals. |
| 327.11 | Restrictions. |
| 327.12 | Explosives, firearms, weapons |
| 327.13 | Public property. |
| 327.14 | Abandonment and impoundment of personal property. |
| 327.15 | Lost and found articles. |
| 327.16 | Advertisement. |
| 327.17 | Commercial activities. |
| 327.18 | Permits. |
| 327.19 | Unauthorized structures. |
| 327.20 | Unauthorized occupation. |
| 327.21 | Special events. |
| 327.22 | Recreation use fees. |
| 327.23 | Interference with Gov. employees. |
| 327.24 | Violations of rules and regulations. |
| 327.25 | State and local laws. |
| 327.26 | |

Authority: 16 U.S.C. 460d; 16 U.S.C. 4601-6a; Sec. 210, Pub. L. 90-483, 82 Stat. 746.; 33 U.S.C. 1, 28 Stat. 362.

327.0 Applicability.

The regulations covered in this part 327 shall be applicable to water resources development projects, completed or under construction, administered by the Chief of Engineers, and to those portions of jointly administered water resources development projects which are under the administrative jurisdiction of the Chief of Engineers. ALL OTHER FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS REMAIN IN FULL FORCE AND EFFECT WHERE APPLICABLE TO THOSE WATER RESOURCES DEVELOPMENT PROJECTS.

327.1 Policy.

- (a) It is the policy of the Secretary of the Army, acting through the Chief of Engineers, to manage the natural, cultural and developed resources of each project in the public interest, providing the public with safe and healthful recreational opportunities while protecting and enhancing these resources.
- (b) Unless otherwise indicated in this part, the term "District Commander" shall include the authorized representatives of the District Commander.
- (c) The term "project" or "water resources development project" refers to the water areas of any water resources development project administered by the Chief of Engineers, without regard to ownership of underlying land, to all lands owned in fee by the Federal Government and to all facilities therein or thereon of any such water resources development project.
- (d) All water resources development projects open for public use shall be available to the public without regard to sex, race, color, creed, age, nationality or place of origin. No lessee, licensee, or concessionaire providing a service to the public shall discriminate against any person because of sex, race, creed, color, age, nationality or place of origin in the conduct of the operations under the lease, license or concession contract.
- (e) In addition to the regulations in this part 327, all applicable Federal, state and local laws and regulations remain in full force and effect on project lands or waters which are outgranted by the District Commander by lease, license or other written agreement.
- (f) The regulations in this part 327 shall be deemed to apply to those lands and waters which are subject to treaties and Federal laws and regulations concerning the rights of Indian Nations and which lands and waters are incorporated, in whole or in part, within water resources development projects administered by the Chief of Engineers, to the extent that the regulations in this part 327 are not inconsistent with such treaties and Federal laws and regulations.
- (g) Any violation of any section of this part 327 shall constitute a separate violation for each calendar day in which it occurs.
- (h) For the purposes of this part 327, the operator of any vehicle, vessel or aircraft as described in this part shall be presumed to be responsible for its use on project property. In the event where an operator cannot be determined, the owner of the vehicle, vessel, or aircraft, whether attended or unattended, will be presumed responsible. Unless proven otherwise, such presumption will be sufficient to issue a citation for the violation of regulations applicable to the use of such vehicle, vessel or aircraft as provided for in Sec. 327.25.
- (i) For the purposes of this part 327, the registered user of a campsite, picnic area, or other facility shall be presumed to be responsible for its use. Unless proven otherwise, such presumption will be sufficient to issue a citation for the violation of regulations applicable to the use of such facilities as provided for in Sec. 327.25.

327.2 Vehicles.

- (a) This section pertains to all vehicles, including, but not limited to, automobiles, trucks, motorcycles, mini-bikes, snowmobiles, dune buggies, all-terrain vehicles, and trailers, campers, bicycles, or any other such equipment.
- (b) Vehicles shall not be parked in violation of posted restrictions and regulations, or in such a manner as to obstruct or impede normal or emergency traffic movement or the parking of other vehicles, create a safety hazard, or endanger any person, property or environmental feature. Vehicles so parked are subject to removal and impoundment at the owner's expense.
- (c) The operation and/or parking of a vehicle off authorized roadways is prohibited except at locations and times designated by the District Commander. Taking any vehicle through, around or beyond a restrictive sign, recognizable barricade, fence, or traffic control barrier is prohibited.
- (d) Vehicles shall be operated in accordance with posted restrictions and regulations.
- (e) No person shall operate any vehicle in a careless, negligent or reckless manner so as to endanger any person, property or environmental feature.
- (f) At designated recreation areas, vehicles shall be used only to enter or leave the area or individual sites or facilities unless otherwise posted.
- (g) Except as authorized by the District Commander, no person shall operate any motorized vehicle without a proper and effective exhaust muffler as defined by state and local laws, or with an exhaust muffler cutout open, or in any other manner which renders the exhaust muffler ineffective in muffling the sound of engine exhaust.
- (h) Vehicles shall be operated in accordance with applicable Federal, state and local laws, which shall be regulated by authorized enforcement officials as prescribed in Sec. 327.26.

327.3 Vessels.

- (a) This section pertains to all vessels or watercraft, including, but not limited to, powerboats, cruisers, houseboats, sailboats, rowboats, canoes, kayaks, personal watercraft, and any other such equipment capable of navigation on water or ice, whether in motion or at rest.
- (b) The placement and/or operation of any vessel or watercraft for a fee or profit upon project waters or lands is prohibited except as authorized by permit, lease, license, or concession contract with the Department of the Army. This paragraph shall not apply to the operation of commercial tows or passenger carrying vessels not based at a Corps project which utilize project waters as a link in continuous transit over navigable waters of the United States.
- (c) Vessels or other watercraft may be operated on the project waters, except in prohibited or restricted areas, in accordance with posted regulations and restrictions, including buoys. All vessels or watercraft so required by applicable Federal, state and local laws shall display an appropriate registration on board whenever the vessel is on project waters.
- (d) No person shall operate any vessel or other watercraft in a careless, negligent, or reckless manner so as to endanger any person, property, or environmental feature.
- (e) All vessels, when on project waters, shall have safety equipment, including personal flotation devices, on board in compliance with U.S. Coast Guard boating safety requirements and in compliance with boating safety laws issued and enforced by the state in which the vessel is located. Owners or operators of vessels not in compliance with this section may be requested to remove the vessel immediately from project waters until such time as items of non-compliance are corrected.

(f) Unless otherwise permitted by Federal, state or local law, vessels or other watercraft, while moored in commercial facilities, community or corporate docks, or at any fixed or permanent mooring point, 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.

(g) Water skis, parasails, ski-kites and similar devices are permitted in nonrestricted areas except that they may not be used in a careless, negligent, or reckless manner so as to endanger any person, property or environmental feature.

(h) Vessels shall not be attached or anchored to structures such as locks, dams, buoys or other structures unless authorized by the District Commander. All vessels when not in actual use shall be removed from project lands and waters unless securely moored or stored at designated areas approved by the District Commander. The placing of floating or stationary mooring facilities on, adjacent to, or interfering with a buoy, channel marker or other navigational aid is prohibited.

(i) The use at a project of any vessel not constructed or maintained in compliance with the standards and requirements established by the Federal Safe Boating Act of 1971 (Pub. L. 92-75, 85 Stat. 213), or promulgated pursuant to such act, is prohibited.

(j) Except as authorized by the District Commander, no person shall operate any vessel or watercraft without a proper and effective exhaust muffler as defined by state and local laws, or with an exhaust muffler cutout open, or in any other manner which renders the exhaust muffler ineffective in muffling the sound of engine exhaust.

(k) All vessels or other watercraft shall be operated in accordance with applicable Federal, state and local laws, which shall be regulated by authorized enforcement officials as prescribed in Sec. 327.26.

327.4 Aircraft.

(a) This section pertains to all aircraft including, but not limited to, airplanes, seaplanes, helicopters, ultra-light aircraft, motorized hang gliders, hot air balloons, any non-powered flight devices or any other such equipment.

(b) The operation of aircraft on project lands at locations other than those designated by the District Commander is prohibited. This provision shall not be applicable to aircraft engaged on official business of Federal, state or local governments or law enforcement agencies, aircraft used in emergency rescue in accordance with the directions of the District Commander or aircraft forced to land due to circumstances beyond the control of the operator.

(c) No person shall operate any aircraft while on or above project waters or project lands in a careless, negligent or reckless manner so as to endanger any person, property or environmental feature.

(d) Nothing in this section bestows authority to deviate from rules and regulations or prescribed standards of the appropriate State Aeronautical Agency, or the Federal Aviation Administration, including, but not limited to, regulations and standards concerning pilot certifications or ratings, and airspace requirements.

(e) Except in extreme emergencies threatening human life or serious property loss, the air delivery or retrieval of any person, material or equipment by parachute, balloon, helicopter or other means onto or from project lands or waters without written permission of the District Commander is prohibited.

(f) In addition to the provisions in paragraphs (a) through (e) of this section, seaplanes are subject to the following restrictions:

(1) Such use is limited to aircraft utilized for water landings and takeoff, in this part called seaplanes, at the risk of owner, operator and passenger(s).

(2) Seaplane operations contrary to the prohibitions or restrictions established by the District Commander (pursuant to part 328 of this title) are prohibited. The responsibility to ascertain whether seaplane operations are prohibited or restricted is incumbent upon the person(s) contemplating the use of, or using, such waters.

(3) All operations of seaplanes while upon project waters shall be in accordance with U.S. Coast Guard navigation rules for powerboats or vessels and Sec. 327.3.

(4) Seaplanes on project waters and lands in excess of 24 hours shall be securely moored at mooring facilities and at locations permitted by the District Commander. Seaplanes may be temporarily moored on project waters and lands, except in areas prohibited by the District Commander, for periods less than 24 hours providing:

(i) The mooring is safe, secure, and accomplished so as not to damage the rights of the Government or members of the public, and

(ii) The operator remains in the vicinity of the seaplane and reasonably available to relocate the seaplane if necessary.

(5) Commercial operation of seaplanes from project waters is prohibited without written approval of the District Commander following consultation with and necessary clearance from the Federal Aviation Administration (FAA) and other appropriate public authorities and affected interests.

(6) Seaplanes may not be operated at Corps projects between sunset and sunrise unless approved by the District Commander.

327.5 Swimming.

(a) Swimming, wading, snorkeling or scuba diving at one's own risk is permitted, except at launching sites, designated mooring points and public docks, or other areas so designated by the District Commander.

(b) An international diver down, or inland diving flag must be displayed during underwater activities.

(c) Diving, jumping or swinging from trees, bridges or other structures which cross or are adjacent to project waters is prohibited.

327.6 Picnicking.

Picnicking and related day-use activities are permitted, except in those areas where prohibited by the District Commander.

327.7 Camping.

(a) Camping is permitted only at sites and/or areas designated by the District Commander.

(b) Camping at one or more campsites at any one water resource project for a period longer than 14 days during any 30-consecutive-day period is prohibited without the written permission of the District Commander.

(c) The unauthorized placement of camping equipment or other items on a campsite and/or personal appearance at a campsite without daily occupancy for the purpose of reserving that campsite for future occupancy is prohibited.

(d) The digging or leveling of any ground or the construction of any structure without written permission of the District Commander is prohibited.

(e) Occupying or placement of any camping equipment at a campsite which is posted or otherwise marked or indicated as "reserved" without an authorized reservation for that site is prohibited.

327.8 Hunting, fishing, and trapping.

(a) Hunting is permitted except in areas and during periods where prohibited by the District Commander.

(b) Trapping is permitted except in areas and during periods where prohibited by the District Commander.

(c) Fishing is permitted except in swimming areas, on boat ramps or other areas designated by the District Commander.

(d) Additional restrictions pertaining to these activities may be established by the District Commander.

(e) All applicable Federal, State and local laws regulating these activities apply on project lands and waters, and shall be regulated by authorized enforcement officials as prescribed in Sec. 327.26.

327.9 Sanitation.

(a) Garbage, trash, rubbish, litter, gray water, or any other waste material or waste liquid generated on the project and incidental to authorized recreational activities shall be either removed from the project or deposited in receptacles provided for that purpose. The improper disposal of such wastes, human and animal waste included, on the project is prohibited.

(b) It is a violation to bring onto a project any household or commercial garbage, trash, rubbish, debris, dead animals or litter of any kind for disposal or dumping without the written permission of the District Commander. For the purposes of this section, the owner of any garbage, trash, rubbish, debris, dead animals or litter of any kind shall be presumed to be responsible for proper disposal. Such presumption will be sufficient to issue a citation for violation.

(c) The spilling, pumping, discharge or disposal of contaminants, pollutants or other wastes, including, but not limited to, human or animal waste, petroleum, industrial and commercial products and by-products, on project lands or into project waters is prohibited.

(d) Campers, picnickers, and all other persons using a water resources development project shall keep their sites free of trash and litter during the period of occupancy and shall remove all personal equipment and clean their sites upon departure.

(e) The discharge or placing of sewage, galley waste, garbage, refuse, or pollutants into the project waters from any vessel or watercraft is prohibited.

327.10 Fires.

(a) Gasoline and other fuels, except that which is contained in storage tanks of vehicles, vessels, camping equipment, or hand portable containers designed for such purpose, shall not be carried onto or stored on the project without written permission of the District Commander.

(b) Fires shall be confined to those areas designated by the District Commander, and shall be contained in fireplaces, grills, or other facilities designated for this purpose. Fires shall not be left unattended and must be completely extinguished prior to departure. The burning of materials that produce toxic fumes, including, but not limited to, tires, plastic and other flotation materials or treated wood products is prohibited. The District Commander may prohibit open burning of any type for environmental considerations.

(c) Improper disposal of lighted smoking materials, matches or other burning material is prohibited.

327.11 Control of animals.

(a) No person shall bring or allow dogs, cats, or other pets into developed recreation areas or adjacent waters unless penned, leashed, on a leash under six feet in length, or otherwise physically restrained. No person shall allow animals to impede or restrict otherwise full and free use of project lands and waters by the public. No person shall allow animals to bark or emit other noise which unreasonably disturbs other people. Animals and pets, except properly trained animals assisting those with disabilities (such as seeing-eye dogs), are prohibited in sanitary facilities, playgrounds, swimming beaches and any other areas so designated by the District Commander. Abandonment of any animal on project lands or waters is prohibited. Unclaimed or unattended animals are subject to immediate impoundment and removal in accordance with state and local laws.

(b) Persons bringing or allowing pets in designated public use areas shall be responsible for proper removal and disposal of any waste produced by these animals.

(c) No person shall bring or allow horses, cattle, or other livestock in camping, picnicking, swimming or other recreation areas or on trails except in areas designated by the District Commander.

- (b) Personal property placed on Federal lands or waters adjacent to a private residence, facility and/or developments of any private nature for more than 24 hours without permission of the District Commander shall be presumed to have been abandoned and, unless proven otherwise, such presumption will be sufficient to impound the property and/or issue a citation as provided for in Sec. 327.25.
- (c) The District Commander shall, by public or private sale or otherwise, dispose of all lost, abandoned or unclaimed personal property that comes into Government custody or control. However, property may not be disposed of until diligent effort has been made to find the owner, heirs, next of kin or legal representative(s). If the owner, heirs, next of kin or legal representative(s) are determined but not found, the property may not be disposed of until the expiration of 120 days after the date when notice, giving the time and place of the intended sale or other disposition, has been sent by certified or registered mail to that person at the last known address. When diligent efforts to determine the owner, heirs, next of kin or legal representative(s) are unsuccessful, the property may be disposed of without delay except that if it has a fair market value of \$100 or more the property may not be disposed of until 90 days after the date it is received at the storage point designated by the District Commander. The net proceeds from the sale of property shall be conveyed into the Treasury of the United States as miscellaneous receipts.

327.16 Lost and found articles.

All articles found shall be deposited by the finder at the Manager's office or with a ranger. All such articles shall be disposed of in accordance with the procedures set forth in Sec. 327.15.

327.17 Advertisement.

- (a) Advertising and the distribution of printed matter is allowed within project land and waters provided that a permit to do so has been issued by the District Commander and provided that this activity is not solely commercial advertising.
- (b) An application for such a permit shall set forth the name of the applicant, the name of the organization (if any), the date, time, duration, and location of the proposed advertising or the distribution of printed matter, the number of participants, and any other information required by the permit application form. Permit conditions and procedures are available from the District Commander.
- (c) Vessels and vehicles with semipermanent or permanent painted or installed signs are exempt as long as they are used for authorized recreational activities and comply with all other rules and regulations pertaining to vessels and vehicles.

For permit terms and conditions see the Federal Register, Volume 65, No. 88, May 5, 2000, page 26137.

327.18 Commercial activities.

- (a) The engaging in or solicitation of business on project land or waters without the express written permission of the District Commander is prohibited.
- (b) It shall be a violation of this part to refuse to or fail to comply with any terms, clauses or conditions of any lease, license or agreements issued by the District Commander.

327.19 Permits.

- (a) It shall be a violation of this part to refuse to or fail to comply with the fee requirements or other terms or conditions of any permit issued under the provisions of this part 327.
- (b) Permits for floating structures (issued under the authority of Sec. 327.30) of any kind on/in waters of water resources development projects, whether or not such waters are deemed navigable waters of the United States but where such waters are under the management of the Corps of Engineers, shall be issued at the discretion of the District Commander under the authority of this section. District Commanders will delineate those portions of the navigable waters of the United States where this provision is applicable and post notices of this designation in the vicinity of the appropriate Manager's office.
- (c) Permits for non-floating structures (issued under the authority of Sec. 327.30) of any kind constructed, placed in or affecting waters of water resources development projects where such waters are deemed navigable waters of the U.S. shall be issued under the provisions of section 10 of the Rivers and Harbors Act approved March 3, 1899 (33 U.S.C. 403). If a discharge of dredged or fill material in these waters is involved, a permit is required under Section 404 of the Clean Water Act (33 U.S.C. 1344). (See 33 CFR parts 320 through 330.)
- (d) Permits for non-floating structures (issued under the authority of Sec. 327.30) of any kind in waters of water resources development projects, where such waters are under the management of the Corps of Engineers and where such waters are not deemed navigable waters of the United States, shall be issued as set forth in paragraph (b) of this section. If a discharge of dredged or fill material into any water of the United States is involved, a permit is required under section 404 of the Clean Water Act (33 U.S.C. 1344) (See 33 CFR parts 320 through 330). Water quality certification may be required pursuant to Section 401 of the Clean Water Act (33 U.S.C. 1341).
- (e) Shoreline Use Permits to authorize private shoreline use facilities, activities or development (issued under the authority of section 327.30) may be issued in accordance with the project Shoreline Management Plan. Failure to comply with the permit conditions issued under Section 327.30 is prohibited.

327.20 Unauthorized structures.

The construction, placement, or existence of any structure (including, but not limited to, roads, trails, signs, non-portable hunting stands or blinds, buoys, docks, or landscape features) of any kind under, upon, in or over the project lands, or waters is prohibited unless a permit, lease, license or other appropriate written authorization has been issued by the District Commander. The design, construction, placement, existence or use of structures in violation of the terms of the permit, lease, license, or other written authorization is prohibited. The government shall not be liable for the loss of, or damage to, any private structures, whether authorized or not, placed on project lands or waters. Unauthorized structures are subject to summary removal or impoundment by the District Commander. Portable hunting stands, climbing devices, steps, or blinds, that are not nailed or screwed into trees and are removed at the end of a day's hunt may be used.

327.21 Special events.

- (d) Ranging, grazing, watering or allowing livestock on project lands and waters is prohibited except when authorized by lease, license or other written agreement with the District Commander.
- (e) Unauthorized livestock are subject to impoundment and removal in accordance with Federal, state and local laws.
- (f) Any animal impounded under the provisions of this section may be confined at a location designated by the District Commander, who may assess a reasonable impoundment fee. This fee shall be paid before the impounded animal is returned to its owner(s).

- (g) Wild or exotic pets and animals (including but not limited to cougars, lions, bears, bobcats, wolves, and snakes), or any pets or animals displaying vicious or aggressive behavior or otherwise posing a threat to public safety or deemed a public nuisance, are prohibited from project lands and waters unless authorized by the District Commander, and are subject to removal in accordance with Federal, state and local laws.

327.12 Restrictions.

- (a) The District Commander may establish and post a schedule of visiting hours and/or restrictions on the public use of a project or portion of a project. The District Commander may close or restrict the use of a project or portion of a project when necessitated by reason of public health, public safety, maintenance, resource protection or other reasons in the public interest. Entering or using a project in a manner which is contrary to the schedule of visiting hours, closures or restrictions is prohibited.
- (b) Quiet shall be maintained in all public use areas between the hours of 10 p.m. and 6 a.m., or those hours designated by the District Commander. Excessive noise during such times which unreasonably disturbs persons is prohibited.
- (c) Any act or conduct by any person which interferes with, impedes or disrupts the use of the project or impairs the safety of any person is prohibited. Individuals who are boisterous, rowdy, disorderly, or otherwise disturb the peace on project lands or waters may be requested to leave the project.
- (d) The operation or use of any sound producing or motorized equipment, including but not limited to generators, vessels or vehicles, in such a manner as to unreasonably annoy or endanger persons at any time or exceed state or local laws governing noise levels from motorized equipment is prohibited.
- (e) The possession and/or consumption of alcoholic beverages on any portion of the project land or waters, or the entire project, may be prohibited when designated and posted by the District Commander.
- (f) Unless authorized by the District Commander, smoking is prohibited in Visitor Centers, enclosed park buildings and in areas posted to restrict smoking.

327.13 Explosives, firearms, other weapons and fireworks.

- (a) The possession of loaded firearms, ammunition, loaded projectile firing devices, bows and arrows, crossbows, or other weapons is prohibited unless:
 - (1) In the possession of a Federal, state or local law enforcement officer;
 - (2) Being used for hunting or fishing as permitted under 327.8, with devices being unloaded when transported to, from or between hunting and fishing sites;
 - (3) Being used at authorized shooting ranges; or
 - (4) Written permission has been received from the District Commander.
- (b) Possession of explosives or explosive devices of any kind, including fireworks or other pyrotechnics, is prohibited unless written permission has been received from the District Commander.

327.14 Public property.

- (a) Destruction, injury, defacement, removal or any alteration of public property including, but not limited to, developed facilities, natural formations, mineral deposits, historical and archaeological features, paleontological resources, boundary monumentation or markers and vegetative growth, is prohibited except when in accordance with written permission of the District Commander.
- (b) Cutting or gathering of trees or parts of trees and/or the removal of wood from project lands is prohibited without written permission of the District Commander.
- (c) Gathering of dead wood on the ground for use in designated recreation areas as firewood is permitted, unless prohibited and posted by the District Commander.
- (d) The use of metal detectors is permitted on designated beaches or other previously disturbed areas unless prohibited by the District Commander for reasons of protection of archaeological, historical or paleontological resources. Specific information regarding metal detector policy and designated use areas is available at the Manager's Office. Items found must be handled in accordance with Sections 327.15 and 327.16 except for non-identifiable items such as coins of value less than \$25.

327.15 Abandonment and impoundment of personal property.

- (a) Personal property of any kind shall not be abandoned, stored or left unattended upon project lands or waters. After a period of 24 hours, or at any time after a posted closure hour in a public use area or for the purpose of providing public safety or resource protection, unattended personal property shall be presumed to be abandoned and may be impounded and stored at a storage point designated by the District Commander, who may assess a reasonable impoundment fee. Such fee shall be paid before the impounded property is returned to its owner.

- (a) Special events including, but not limited to, water carnivals, boat regattas, fishing tournaments, music festivals, dramatic presentations or other special recreation programs are prohibited unless written permission has been granted by the District Commander. Where appropriate, District Commanders can provide the state a blanket letter of permission to permit fishing tournaments while coordinating the scheduling and details of tournaments with individual projects. An appropriate fee may be charged under the authority of Sec. 327.23.
- (b) The public shall not be charged any fee by the sponsor of such event unless the District Commander has approved in writing (and the sponsor has properly posted) the proposed schedule of fees. The District Commander shall have authority to revoke permission, require removal of any equipment, and require restoration of an area to pre-event condition, upon failure of the sponsor to comply with terms and conditions of the permit/permission or the regulations in this part 327.

327.22 Unauthorized occupation.

- (a) Occupying any lands, buildings, vessels or other facilities within water resource development projects for the purpose of maintaining the same as a full- or part-time residence without the written permission of the District Commander is prohibited. The provisions of this section shall not apply to the occupation of lands for the purpose of camping, in accordance with the provisions of Sec. 327.7.
- (b) Use of project lands or waters for agricultural purposes is prohibited except when in compliance with terms and conditions authorized by lease, license or other written agreement issued by the District Commander.

327.23 Recreation use fees.

- (a) In accordance with the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460) and the Omnibus Budget Reconciliation Act of 1993, Pub L. 103-66, the Corps of Engineers collects day use fees, special recreation use fees and/or special permit fees for the use of specialized sites, facilities, equipment or services related to outdoor recreation furnished at Federal expense.
- (b) Where such fees are charged, the District Commander shall insure that clear notice of fee requirements is prominently posted at each area, and at appropriate locations therein and that the notice be included in publications distributed at such areas. Failure to pay authorized recreation use fees as established pursuant to Pub. L. 88-578, 78 Stat. 897, as amended (16 U.S.C. 4601-60a), is prohibited and is punishable by a fine of not more than \$100.
- (c) Failure to pay authorized day use fees, and/or properly display applicable receipt, permit or pass is prohibited.
- (d) Any Golden Age or Golden Access Passport permittee shall be entitled, upon presentation of such a permit, to utilize special recreation facilities at a rate of 50 percent off the established use fee at Federally operated areas. Fraudulent use of a Golden Age or Golden Access Passport is prohibited.

327.24 Interference with Government employees.

- (a) It is a Federal crime pursuant to the provisions of sections 111 and 1114 of Title 18, United States Code, to forcibly assault, resist, oppose, impede, intimidate, or interfere with, attempt to kill or kill any civilian official or employee of the U.S. Army Corps of Engineers engaged in the performance of his or her official duties, on or account of the performance of his or her official duties. Such actions or interference directed against a Federal employee while carrying out the regulations in this part are also a violation of such regulations and may be a state crime pursuant to the laws of the state where they occur.
- (b) Failure to comply with a lawful order issued by a Federal employee acting pursuant to the regulations in this part shall be considered as interference with that employee while engaged in the performance of their official duties. Such interference with a Federal employee includes failure to provide a correct name, address or other information deemed necessary for identification upon request of the Federal employee, when that employee is authorized by the District Commander to issue citations in the performance of the employee's official duties.

327.25 Violations of rules and regulations.

- (a) Any person who violates the provisions of the regulations in this part, other than for a failure to pay authorized recreation use fees as separately provided for in Sec. 327.23, may be punished by a fine of not more than \$5,000 or imprisonment for not more than six months or both and may be tried and sentenced in accordance with the provisions of section 3401 of Title 18, United States Code. Persons designated by the District Commander shall have the authority to issue a citation for violation of the regulations in this part, requiring any person charged with the violation to appear before the United States Magistrate within whose jurisdiction the affected water resources development project is located (16 U.S.C. 460d).
- (b) Any person who commits an act against any official or employee of the U.S. Army Corps of Engineers that is a crime under the provisions of section 111 or section 1114 of Title 18, United States Code or under provisions of pertinent state law may be tried and sentenced as further provided under Federal or state law, as the case may be.

327.26 State and local laws.

- (a) Except as otherwise provided in this part or by Federal law or regulation, state and local laws and ordinances shall apply on project lands and waters. This includes, but is not limited to, state and local laws and ordinances governing:

- (1) Operation and use of motor vehicles, vessels, and aircraft;
- (2) Hunting, fishing and trapping;
- (3) Use or possession of firearms or other weapons;
- (4) Civil disobedience and criminal acts;
- (5) Littering, sanitation and pollution; and

- (6) Alcohol or other controlled substances.

- (b) These state and local laws and ordinances are enforced by those state and local enforcement agencies established and authorized for that purpose.

327.27 (Reserved)

327.28 (Reserved)

327.29 (Reserved)

327.30 Shoreline Management on Civil Works Projects

- (a) Purpose. The purpose of this regulation is to provide policy and guidance on management of shorelines of Civil Works projects where 36 CFR Part 327 is applicable.

(A complete copy of 327.30 is available at the Resource Manager's Office, District Office, Division Office or from HQUSACE CECW-ON, Washington, DC 20314-1000.)

A violation of the provisions of this regulation shall subject the violator to a fine of not more than \$5000.00 or imprisonment for not more than 6 months, or both.

In the interest of more effective resource management and to increase the overall enjoyment of the visitor experience available at Corps of Engineers water resources development projects, the preceding rules and regulations have been established. Your observance of these rules while a visitor to these projects will make your visit and the visits of others more pleasant and enjoyable.

THIS REVISION SUPERSEDES EP 1165-2-316, May 1986