



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, AL 36628-0001

CESAM-PD-EI

April 16, 2021

**U.S. ARMY CORPS OF ENGINEERS
MOBILE DISTRICT**

NOTICE OF AVAILABILITY FOR THE

**WEST POINT LAKE SHORELINE MANAGEMENT PLAN
DRAFT ENVIRONMENTAL ASSESSMENT**

ALABAMA AND GEORGIA

TO ALL INTERESTED PARTIES:

The U.S. Army Corps of Engineers (USACE), Mobile District requests your review and comment on the proposed revisions to the existing West Point Lake Shoreline Management Plan, Alabama and Georgia. A copy of the draft environmental assessment is located on the following website: <https://www.sam.usace.army.mil/Missions/Planning-Environmental/Environmental-Assessments/>. The document is being circulated to resource agencies and interested members of the public for a 30-day comment period.

The proposed action consists of revisions generally concerning floating docks, community docks, sun decks, electrical standards, underbrushing, walkway improvements, and utility installation. Coordination with the U.S. Fish and Wildlife Service and the Alabama State Historic Preservation Officer is ongoing.

Correspondence concerning this draft Environmental Assessment should be directed via email to Ms. Velma Diaz at velma.f.diaz@usace.army.mil or via mail to U.S. Army Corps of Engineers, Mobile District, Attention: CESAM-PD-EI, Ms. Velma Diaz, Civil Engineer, Post Office Box 2288, Mobile, Alabama 36628-0001. Comments must be received within 30 days of the date of this notice.

Jeremy M. LaDart
Chief, Planning and Environmental
Division

**DRAFT ENVIRONMENTAL ASSESSMENT
FOR
WEST POINT LAKE
SHORELINE MANAGEMENT PLAN**

Prepared by

U.S. Army Corps of Engineers, Mobile District
Planning and Environmental Division
Environment and Resources Branch
Inland Environment Team

April 2021



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, AL 36628-0001

**FINDING OF NO SIGNIFICANT IMPACT
FOR
ENVIRONMENTAL ASSESSMENT
WEST POINT LAKE
SHORELINE MANAGEMENT PLAN
ALABAMA AND GEORGIA**

1. PROPOSED ACTION. The proposed action is to revise the existing West Point Lake Shoreline Management Plan (SMP) in Alabama and Georgia. The SMP revisions are generally concerned with floating docks, community docks, sun decks, electrical standards, underbrushing, walkway improvements, and utility installation.

2. ALTERNATIVES.

a. No Action Alternative: With the No Action Alternative, there would be no change to current 1993 West Point Lake SMP and would continue to be used. This would not allow this West Point Lake Project to operate under an up-to-date shoreline management plan, in accordance with Engineering Regulation 1130-2-406. Therefore, this alternative was not further considered.

3. FACTORS CONSIDERED IN DETERMINING THAT NO ENVIRONMENTAL IMPACT STATEMENT IS REQUIRED. Based on the Environmental Assessment, the proposed action will not significantly affect human health and the environment. The proposed project is in compliance with all applicable environmental laws and regulations.

4. CONCLUSIONS. The environmental analysis supports the conclusion that the proposed project will not significantly impact health and the human environment; consequently, an Environmental Impact Statement is not required.

DATE: _____

SEBASTIEN P. JOLY
Colonel, U.S. Army
District Commander

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1.0 INTRODUCTION

Engineering Regulation (ER) 1130-2-406 Project Operation – Shoreline Management at Civil Works Projects, requires that a Shoreline Management Plan (SMP) be prepared for each U.S. Army Corps of Engineers (USACE) project where private shoreline use is allowed. The current West Point SMP was approved in 1993 with minor updates occurring in 2004 and 2010. The ER also requires the SMP be reviewed at least every 5 years and revised as necessary. The SMP updates must comply with the National Environmental Policy Act of 1969 (NEPA), as amended and include public participation to the maximum extent practicable.

This environmental assessment (EA) was prepared utilizing a systematic, interdisciplinary approach integrating the natural and social sciences and the design arts with planning and decision making. The proposed action and its alternative are evaluated in multiple contexts for short-term and long-term effects and for adverse and beneficial effects. This assessment indicates the effects on the human environment are well known and do not involve unique or unknown risk. It is not anticipated that this is a precedent-setting action, nor does it represent a decision in principle about any future consideration.

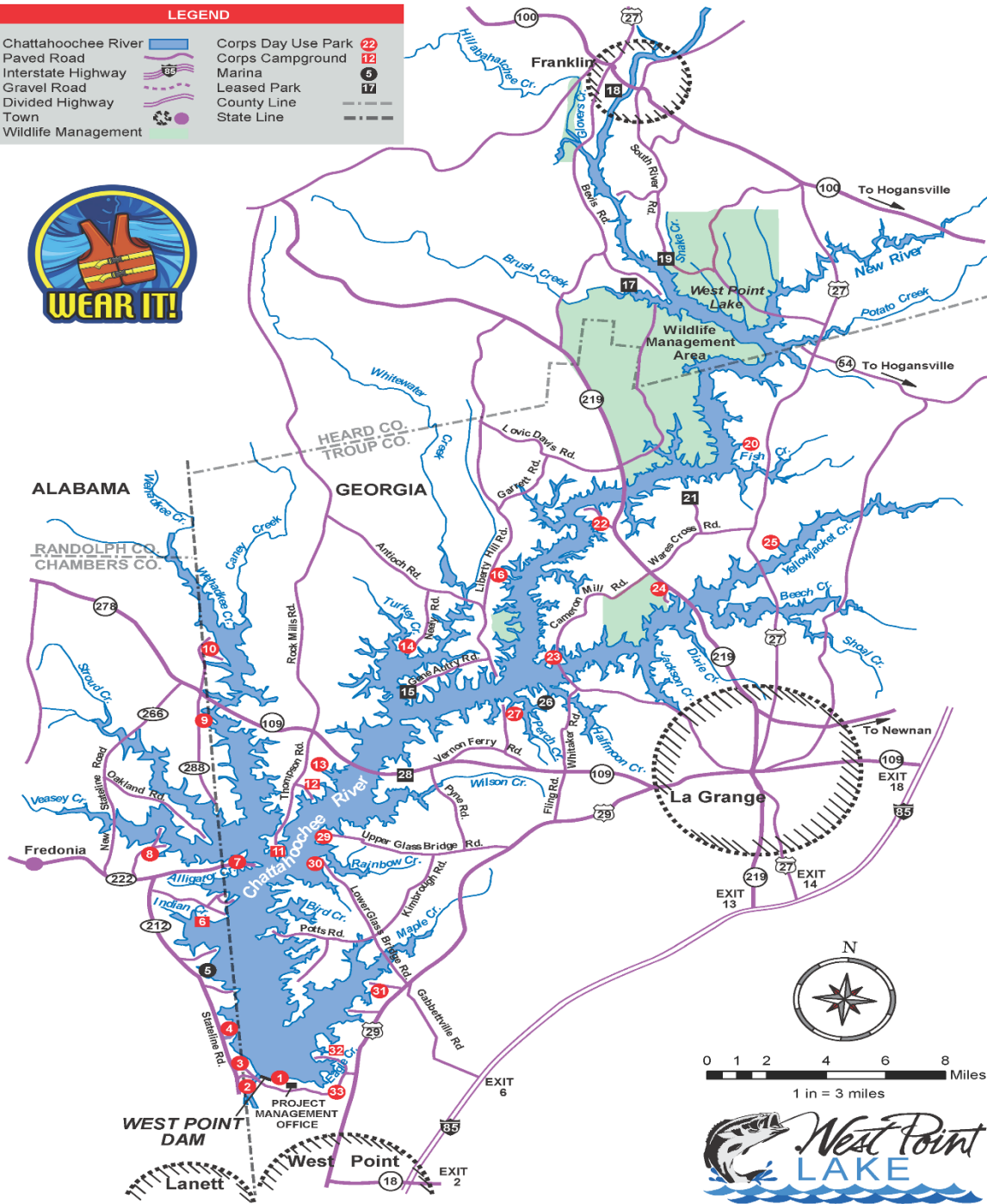
The Council on Environmental Quality (CEQ) published its Final Rule: Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA) in the Federal Register July 16, 2020. The new CEQ NEPA Regulations went into effect September 14, 2020. Preparation of this West Point Lake Shoreline Management Plan, Alabama and Georgia commenced prior to enactment of the new NEPA regulations. USACE may only apply the prior CEQ NEPA regulations from 1978, as well as relevant Corps regulations and guidance, to such pending reviews. As such, this EA has been prepared in accordance with the NEPA and the CEQ 1978 regulations.

1.1 Location

The West Point Project is located on the Chattahoochee River in Troup and Heard Counties, Georgia, and Chambers and Randolph Counties, Alabama. The project's shoreline stretches 525 miles and contains approximately 25,864 acres of open water at maximum power pool 635 feet. The total project acreage is 58,129 acres, which includes a buffer area around the lake from 300 to 500 feet wide.

West Point Dam is located on the Chattahoochee River at river mile 201.4, which is 3.2 river miles upstream from West Point, Georgia. The lake is located in the Lower Piedmont Region about 50 miles southwest of Atlanta. West Point Lake's main water body is located in Troup County, Georgia, with the lake's upper reaches extending into Heard County. The southwestern portion of the lake extends into Chambers County, Alabama, with a very small portion extending into Randolph County, Alabama.

LEGEND	
Chattahoochee River	
Paved Road	
Interstate Highway	
Gravel Road	
Divided Highway	
Town	
Wildlife Management	
Corps Day Use Park	
Corps Campground	
Marina	
Leased Park	
County Line	
State Line	



US Army Corps of Engineers
Mobile District

Figure 1: West Point Lake Vicinity Map

1.2 Proposed Action

Pursuant to ER 1130-2-406 Shoreline Management at Civil Works Projects, it is the policy of the USACE to protect and manage shorelines of all Civil Works water resources development projects in a manner that promotes the safe and healthful use of the shorelines by the public while maintaining environmental safeguards to ensure a quality resource for use by the public. The objectives include maintenance of the aesthetic and environmental characteristics of the Reservoir for the full benefit of the general public.

1.3 Shoreline Allocation

Land use allocations provide the basic framework for the development, management, and operation of all West Point resources and facilities. The SMP for the West Point Project divides land uses into four categories, as follows:

- Limited Development Areas. Limited Development Shoreline refers to areas where certain specific private uses may be authorized if a permit is obtained. Applications are reviewed "first come/first serve" and are based on individual merit. Several resource management considerations must be satisfied prior to approving or denying a permit including density of development, navigation, environment, safety, and site conditions.
- Public Recreation Areas. Public Recreation Shoreline consists of lands designated in the Project's Master Plan for present, or future, intensive recreational development. No permits for private uses are issued in areas with this designation.
- Protected Shoreline Areas. Protected Shorelines are designated to maintain or restore aesthetic values; to protect fish and wildlife habitat and other environmental values; to protect cultural, historical and archaeological resources; to protect channels for navigation; to restrict structures from water too shallow for navigation; and to protect areas that are subject to excessive siltation, erosion, rapid dewatering, or exposure to high wind, wave or currents. No permits for new private structures or utilities will be authorized in these areas. However, permits may be granted for minor modifications to vegetation, such as creating a path to the shoreline if it is determined that the activity will not adversely impact the environmental values or physical characteristics that resulted in that area being protected. Improved pathways or walkways will not be authorized in areas classified as protected. Islands within the lake are designated as Protected Shoreline unless they are part of a recreation area or outgrant.
- Prohibited Access Areas. Prohibited Access Shoreline areas are reserved for project operation and include lands located in proximity to the hydropower structure, operational areas, and water intake structures.

1.4 Purpose and Need

The West Point SMP was last updated in June 1993. Over the past 26 years, changes have occurred that warrant an update to the SMP. These include: changes in policy, changes in regulations, increases in economic growth, increase in surrounding community growth and increases in recreational use. Pursuant to ER 1130-2-406, the objective of the updated SMP is to maintain a balance between permitted private uses, long-term natural resource protection, and public recreation opportunities. Specifically, ER 1130-2-406 states the intended purpose of a SMP is to protect desirable environmental characteristics of Civil Works lake projects and restore shorelines where degradation has occurred through private exclusive use. The ER states that the plan must protect public lands and private investments and honor any past commitment. Public participation is also encouraged to the fullest extent.

The proposed SMP update meets the following goals:

- Incorporates updates to policies and regulations pertaining to the shoreline of West Point Lake.
- Maintains aesthetic and environmental characteristics of the lake for the full benefit of the general public.
- Addresses shoreline allocations (zoning), rules, regulations, and other information relative to the Shoreline Management Program.
- Ensures that program management actions are based on current information and regulations through collaboration with the public, stakeholders, and subject matter experts.

1.5 Authority

The West Point Dam and Lake Project was authorized by the Flood Control Act of October 1962 (Public Law 87-874), substantially in accordance with the authorization document (House Document 570/87-2). It was identified for development as a recreational demonstration project by the Chief of Engineers in November 1973.

2.0 ENVIRONMENTAL SETTING WITHOUT THE PROJECT

2.1 General Environmental Setting

West Point Lake is a 25,864-acre impoundment on the mainstream of the Chattahoochee River formed by the West Point Dam. The Chattahoochee River headwaters begin in the Blue Ridge Mountains and flows in a southwesterly direction. West Point Dam is located at River Mile 201.4 and is one of five Federal dams located along the river. West Point is situated between Lake Sidney Lanier from above and Lake Eufaula from below. West Point Lake extends 35 miles southwest along the Chattahoochee River, just north of West Point, Georgia.

Lying within the Southern Outer Piedmont within the southeast, West Point Lake is situated in a transitional area between the mountainous Appalachians in the northwest and the coastal plain to the southeast. This trend from mountainous to flat terrain creates the hilly landscape as observed in the region. Once largely cultivated, much of this region has reverted to pine and hardwood woodlands. The soils tend to be finer textured than those in the coastal plain regions. The Level IV Southern Outer Piedmont ecoregion, within the Level III Piedmont ecoregion, has lower elevations, less relief, and less precipitation than the Southern Inner Piedmont. Loblolly-shortleaf pine is the major forest type with less oak-hickory and oak-pine than in the Southern Inner Piedmont. Gneiss, schist, and granite are the dominant rock types, covered with deep saprolite and mostly red, clayey subsoils. The majority of soils are Kanhapludults.

2.1.1 Topography

The area surrounding West Point Lake is characterized by low rolling hills with heights above sea level between 200 feet and 800 feet to 1,000 feet. The area inundated by West Point Lake is that segment of the Chattahoochee River which meanders through the Piedmont Plateau hills between Franklin, Georgia, and the site of the West Point Dam, 3.2 miles north of West Point, Georgia. The rate of fall throughout this reach of the river is slightly in excess of two feet per mile. The topography in this area produces a lake that floods the river channel at its upper end with gradual inundations of flood plains and adjoining lowlands as one proceeds toward the dam. In the 34 miles between Franklin and the West Point Dam there are various tributary streams or creeks with moderately deep channels. The lake is bordered by gentle hills rising 100 feet to 150 feet above the valley floor. Slopes vary from 2 percent to over 20 percent with an average slope of less than 10 percent.

2.1.2 Geology and Soils

West Point Lake lies above the fall line which separates the Piedmont Region from the Coastal Plains. As such, the lake lies within an area that is trending away from the mountainous northern Piedmont Region into a flatter terrain. Rocks in the Piedmont Region are frequently overlaid by a thick layer of red clay, which is synonymous with the Georgia area. Saprolite lay is made up of minerals rich in silicon, aluminum, and some other elements, plus more or less pigmentary iron oxides and resistant minerals such as quartz. Over years of land use and cultivation, erosion of the topsoil led to the exposure of these red clay soils.

Parent materials of the soils have generally been derived from sedimentary and igneous rocks. Three geological formations underlay the West Point Lake Project area: (1) the Ashland mica schist; (2) the Wedowee formation; and (3) a composite of igneous schist and gneiss. The Ashland mica schist is composed of two types of sedimentary rocks which include garnetiferous biotite schist and siliceous muscovite schist. The Wedowee formations which consist of slate, phyllite, quartzite, and schist were deposited as sediments, some of which were carbonaceous. The composite of igneous schist and gneiss underlying most of the

area is composed of hornblende gneiss, granite, and gneiss. The result is a complex geological pattern, in which it is difficult to separate strips and areas of basic rocks, gneisses, and schists. Twenty-two different soil series have been identified as possibly occurring on or near project property in the four counties which encompass West Point Lake. Major soils identified include Altavista, Appling, Cecil, Chewacla, Gwinnett, Madison, Pacolet, Wickham, and Wilkes. Generally, shallow clay soils are found on the hillsides while deeper clay and sandy loam soils are found in the valleys. The identified soils vary considerably in pH, but the majority are moderately acidic. Most of the soil series support both pines and hardwoods; however, the site index varies.

2.2 Significant Resources Description

2.2.1 Fishery Resources

Fifty-two species of warm water fish species have been reported in the Chattahoochee River and its tributaries. The principal sport fish harvested from West Point Lake are largemouth bass (*Micropterus salmoides*), spotted bass (*M. punctulatus*), striped bass (*Morone saxatilis*), white bass (*M. chrysops*), redear sunfish (*Lepomis microlophus*), bluegill (*L. macrochirus*), redbreast sunfish (*L. auritus*), white crappie (*Pomoxis annularis*), black crappie (*P. nigromaculatus*), channel catfish (*Ictalurus punctatus*), flathead catfish (*Pylodictus olivaris*), and common carp (*Cyprinus carpio*). Wildlife and fisheries are managed cooperatively by either the Alabama Department of Conservation and Natural Resources (ADCNR) or the Georgia Department of Natural Resources (GADNR), along with USACE where ADCNR and GADNR are the primary agencies responsible.

Prior to impoundment, river and tributary fishery use was moderate. Small ponds containing fish species led to additional stocking during the initial impoundment phase. Much of the species still harvested today were sought out in the past. Activities at the reservoir to aide in fishery populations include annual Fish Spawn Operations. This involves controlling the level of the lake elevations to support the fish spawn season as conditions are favorable.

2.2.2 Wildlife Resources

Common songbirds, waterfowl, reptiles, and amphibians are found throughout the West Point Project. Some wildlife species include whitetail deer (*Odocoileus virginianus*), gray squirrel (*Sciurus carolinensis*), turkey (*Meleagris gallopavo*), woodchuck (*Marmota monax*), cottontail rabbit (*Sylvilagus floridanus*), red fox (*Vulpes fulva*), grey fox (*Urocyon cinereoargenteus*), chipmunk (*Tamias striatus*), raccoon (*Procyon lotor*) beaver (*Castor canadensis*), opossum (*Didelphis virginiana*), striped skunk (*Mephitis mephitis*), Eastern spotted skunk (*Spilogale putorius*), and groundhog (*Marmota monax*). Numerous bird species are also present in the general area, including bald eagle (*Haliaeetus leucocephalus*), Cooper's hawk (*Accipiter cooperii*), osprey (*Pandion haliaetus*), American bittern (*Botaurus lentiginosus*), great blue heron (*Ardea herodias*), snowy egret (*Egretta thulaand*) a variety of song birds and migratory waterfowl such as

Acadian flycatcher (*Empidonax virescens*), American robin (*Turdus migratorius*), blue jay (*Cyanocitta cristata*), brown thrasher (*Toxostoma rufum*), cliff swallow (*Petrochelidon pyrrhonota*), field sparrow (*Spizella pusilla*), house sparrow (*Passer domesticus*), indigo bunting (*Passerina cyanea*), northern cardinal (*Cardinalis cardinalis*), Canada goose (*Branta Canadensis*), wood duck (*Aix sponsa*), American black duck (*Anas rubripes*), mallard (*Anas platyrhynchos*), ring-necked duck (*Aythya collaris*), and red-breasted merganser (*Mergus serrator*).

Wildlife species are sought by hunters and enjoyed by non-consumptive users on West Point Project lands. In the 40 years since the project was completed, management efforts undertaken by USACE and the State game and fish agencies have contributed to an overall improvement in wildlife habitat on project lands for both game and non-game species.

2.2.3 Vegetation

Much of the Piedmont that early settlers found would have been covered with broad-leaf hardwood trees dominated by the now rare American chestnut (*Castanea dentata*). Today much of the Piedmont is covered with pine forests, a result of human impacts rather than natural processes. The Piedmont region is home to the widest variety of mixed forest in the southeastern United States. Vast woodlands of Shortleaf pine (*Pinus echinata*) and Loblolly pine (*P. taeda*) mix as well as deciduous species such as red maple (*Acer rubrum*). Also found within the area are White oak (*Quercus alba*), Northern red oak (*Q. rubra*), Black oak (*Q. velutina*), and Post oak (*Q. stellata*). Several species of hickories (*Carya glabra*, *C. tomentosa*, and *C. cordiformis*) and other native species throughout the area include Southern sugar maple (*Acer barbatu*), Eastern red maple (*Acer rubrum*), Eastern persimmon (*Diospyros virginiana*), American beech (*Fagus grandifolia*), White ash (*Fraxinus Americana*), American holly (*Ilex opaca*), Black walnut (*Juglans nigra*), Eastern red cedar (*Juniperus virginiana*), Umbrella magnolia (*Magnolia tripetala*), Sweetbay (*Magnolia virginiana*), Red mulberry (*Morus rubra*), Common elderberry (*Sambucus canadensis*), and Mayberry (*Vaccinium elliotii*).

Some of the wildflower species occurring in this area are Golden aster (*Chrysopsis mariana*), Eastern shooting star (*Dodecatheon meadia*), Soapwort gentian (*Gentiana saponaria*), Wild geranium (*Geranium maculatum*), Little brown jug (*Hexastylis arifolia*), Starry campion (*Silene stellate*), and Catesby's trillium (*Trillium catesbaei*).

Ferns in these communities include Ebony spleenwort (*Asplenium platyneuron*), Southern lady fern (*Athyrium asplenioides*), Running-cedar (*Diphasiastrum digitatum*), Netted chain fern (*Woodwardia areolata*), and New York fern (*Thelypteris noveboracensis*).

Invasive species known to occur on West Point Project lands is predominantly comprised of Kudzu (*Pueraria* spp.). Other exotic species found throughout the Piedmont Region include Chinese privet (*Ligustrum sinense*), Japanese honeysuckle (*Lonicera japonica*), Japanese stiltgrass (*Microstegium vimineum*), and Royal paulownia (*Paulownia tomentosa*).

2.2.4 Endangered and Threatened Species

Federally listed threatened and endangered species within the counties comprising the proposed project area are the wood stork (*Mycteria americana*), finelined pocketbook (*Lampsilis altilis*), oval pigtoe (*Pleurobema pyriforme*), black spored quillwort (*Isoetes melanospora*), little amphianthus (*Amphianthus pusillus*), White Fringeless Orchid (*Platanthera integrilabia*), Indiana Bat (*Myotis sodalist*), and Northern Long-eared Bat (*Myotis septentrionalis*). A brief habitat description for each species is listed below:

Wood stork (Threatened): The wood stork primarily utilizes freshwater habitats, such as marshes, swamps, lagoons, ponds, flooded fields, and also sometimes brackish wetlands for both foraging and nesting. Nesting occurs mostly in upper parts of cypress trees, mangroves, or dead hardwoods in close proximity to a body of water.

No critical habitat has been designated for this species.

Finelined pocketbook (Threatened): There is limited available data for the finelined pocketbook. Historically found in large rivers to small creeks with associated swift flows of riffle niches, this mussel species has more recently been found in more stable sand and gravel conditions within small streams in the lower Piedmont region. It has been accepted that the species generally occupies small creeks and smaller rivers.

No critical habitat exists within West Point Lake.

Oval pigtoe (Endangered): Preferring a variety of softer habitat substrate from silty sand to gravel, this mussel species can be found in medium sized creeks to small rivers with flows generally slow to moderate velocities. More recent finds within the Apalachicola Chattahoochee Flint (ACF) river basin shows an even wider range of habitat types, such as those with a mixture of sand and detritus, sand and cobble, as well as sand and clay or sand and silt more commonly occurring in the current prone mid-channel areas.

No critical habitat exists within West Point Lake.

Black spored quillwort (Endangered): This perennial fern is commonly found in shallow, flat-bottomed, temporary pools that form in depressions less than three decimeters deep containing two centimeters of soil on granite outcrops. They may be dry during much of the summer and are associated with other rare and endangered granite outcrop endemics.

No critical habitat has been designated for this species.

Little amphianthus (Threatened): Being an aquatic or sub-aquatic plant, the habitat for little amphianthus is confined to vernal pools on granite outcrops of the southeastern Piedmont. About 90% of the known populations are in Georgia, with the others occurring in Alabama and South Carolina. Optimal habitat for this species is a shallow,

flat-bottomed pool usually surrounded by a distinct rock rim of several centimeters in height which best develop in flatter outcrop areas.

No critical habitat has been designated for this species.

White Fringeless Orchid (Proposed Threatened): These orchids are generally found in wet, flat, boggy areas at the head of streams or seepage slopes in acidic muck or sand, and in partially, but not fully shaded areas.

No critical habitat has been designated for this species.

Indiana Bat (Endangered): The Indiana bat hibernates primarily in caves but also, although not as often, in mines, dams, and tunnels. Maternity sites are located in snag trees behind loose bark or in tree cavities. In summer, habitat consists of wooded or semi-wooded areas, often but not always along streams to allow for foraging. Solitary females or small maternity colonies bear their offspring in hollow trees or under loose bark of living or dead trees such as, oak, beech, hickory, maple, ash, cottonwood, and pine.

No critical habitat has been designated for this species.

Northern Long-eared Bat (Threatened): During summer, northern long-eared bats roost singly or in colonies underneath bark, in cavities, or in crevices of both live and dead trees. Males and non-reproductive females may also roost in cooler places, like caves and mines. This bat seems opportunistic in selecting roosts, using tree species based on suitability to retain bark or provide cavities or crevices. It has also been found, rarely, roosting in structures like barns and sheds. Northern long-eared bats spend winter hibernating in caves and mines, called hibernacula. They typically use large caves or mines with large passages and entrances; constant temperatures; and high humidity with no air currents. Specific areas where they hibernate have very high humidity, so much so that droplets of water are often seen on their fur. Within hibernacula, surveyors find them in small crevices or cracks, often with only the nose and ears visible.

No critical habitat has been designated for this species.

2.2.5 Cultural Resources and Historic Properties

Construction of the West Point Dam and formation of the West Point Reservoir inundated a large portion of the Chattahoochee River and tributaries. Rivers, like the Chattahoochee, were important to past Native American and historic human settlement of the region and factored significantly in ancient and historic subsistence practices, transportation, and land use. The West Point Reservoir area, like many other river drainages in the southeastern United State is rich in cultural resources, including Native American archeological sites and historic features such as mills.

Numerous historic resource investigations have been conducted in the West Point Lake Project, including surveys completed prior to the construction of the dam. Currently, all of the West Point Lake project lands have been subject to archaeological or cultural resources surveys and various historic properties were identified and are actively monitored by the USACE.

In 1994, the USACE developed a Historic Properties Management Plan (HPMP) according the ER 1130-2-450 to manage the various historic properties that have been listed on, are eligible for listing, or are potentially eligible for listing on the National Register of Historic Places (NRHP). Currently, 10 historic properties have been identified by various archaeological investigations that were completed before and after the construction of the West Point Lake Project. Table 1 contains a list of these sites of concern for the West Point Project along with summary information and each site's current NRHP status. Of these 10 resource sites, 4 were determined eligible for listing on the NRHP, the McCosh Mill Site (1CH75) was listed to the NRHP, and 5 were considered to be potentially eligible for listing including Pott's Cemetery, but were not formally assessed.

Between December 14, 2015 and March 9, 2016, a Phase I archaeological survey of these 10 sites was conducted by SEARCH, Inc. to assess each site's condition and document any evidence of vandalism and deterioration (USACE 2017). SEARCH's survey report indicated that the condition of sites 9HE76, 9HE138, 9TP62, 9TP366, and 9TP478 had not deteriorated and that they retained their NRHP eligibility. Site 9HE140 was partially inundated during the SEARCH's 2015/2016 survey and could not be assessed. Also, the results of SEARCH's testing at Site 9HE141 were similar to the findings of a previous investigation conducted by Joseph and Canley (1991) and did not collect sufficient data to assess the site's NRHP eligibility. The NRHP status of both sites 9HE140 and 9HE141 remains unknown until both can be adequately assessed. Site 1CH75 was found to retain its integrity despite minor evidence of vandalism and some modern trash disposal. SEARCH conducted limited systematic subsurface testing and shovel testing at Site 1CH143 and concluded that additional Phase II testing would be required to fully assess the site for integrity and NRHP eligibility. Pott's Cemetery was also surveyed during SEARCH's 2015/2016 investigation. This survey confirmed the findings of a 2007 investigation (Jordan et al. 2000) that found widespread damage that has compromised the historic cemetery's integrity and recommended that the site was no longer eligible for NRHP Listing.

Table 1 West Point Historic Resources

Site No.	Site type	Affiliation	NRHP eligibility status
9HE76	Archaeological	Pre-Contact Native American	Eligible
9HE138	Archaeological	Pre-Contact Native American	Eligible
9HE140	Archaeological	Pre-Contact	Unassessed
9HE141	Archaeological	Pre-Contact	Unassessed
9TP62	Archaeological	Pre-Contact	Eligible
9TP366	Archaeological	Pre-Contact	Eligible
9TP478	Youngs Mill	Historic	Eligible
1CH75	McCosh Mill	Historic	Listed

1CH143	Wedhakee Creek	Pre-Contact	Unassessed
Pott's Cemetery	Cemetery	Historic	Ineligible

In 2017, the 1994 HPMP was revised and updated with the findings of SEARCH's 2015/2016 survey. The 2017 HPMP specifies the historic properties of concern as those listed in Table 1 and details the USACE's responsibilities and measures for the management of those sites. Updated provisions for historic properties management in the 2017 HPMP include increase patrols of the sites to prevent vandalism and requirements for coordination between district and project offices when any work or action is proposed within 300 feet a historic property's boundary.

2.2.6 Water Quality

Waters of the United States are defined within the Clean Water Act (CWA), as amended, and jurisdiction is addressed by the U.S. Environmental Protection Agency (EPA) and the USACE. These agencies assert jurisdiction over (1) traditional navigable waters, (2) wetlands adjacent to navigable waters, (3) non-navigable tributaries of traditional navigable waters that are relatively permanent where the tributaries typically flow year-around or have continuous flow at least seasonally, and (4) wetlands that directly abut such tributaries. Section 404 of the CWA authorizes the Secretary of the Army, acting through the Chief of Engineers, to issue permits for the discharge of dredge or fill into waters of the United States including wetlands. Encroachment into waters of the U.S. and wetlands requires a permit from the state and the Federal government. The Georgia Department of Natural Resources, Environmental Protection Division (GAEPD) establishes minimum water quality standards in coordination with the EPA and is responsible for determining if waterbodies in Georgia meet those standards established for the designated use of that waterbody. The designated use assessment of West Point Lake has not yet been conducted by GAEPD; there, West Point Lake is designated a "Category 3" waterbody at this time. A Category 3 designation means there is insufficient data or other information to make a determination whether or not the designated use is being supported.

In addition, West Point Project personnel monitor water quality at the open beach areas during the recreation season. Also, downstream water quality is monitored on a continuous basis. Currently there are no National Pollutant Discharge Elimination System permitted facilities on the West Point Project.

2.2.7 Wetlands

The West Point Project includes lacustrine (19,809 acres), palustrine (4,534 acres), and riverine wetlands (757 acres). The majority of these wetlands include the actual lake itself and the USACE managed portion of the waters feeding into the project, including the Chattahoochee River, Yellowjacket Creek, and Wehadkee Creek. The remaining wetlands consist primarily of locations that may become inundated at different times through fluctuations in the lake elevation during normal operating procedures. Beaver

swamps occasionally occur throughout the region and could become jurisdictional wetlands depending on the longevity and permanence of the established swamp.

2.2.8 Air Quality

The Georgia EPD monitors seven stations in the northern half of the State on a daily basis from which an Air Quality Index (AQI) is computed. The AQI converts measured pollutant concentrations in a community's air to a number on a scale ranging from 0 to 500. An AQI level in excess of 100 means that a pollutant is in the unhealthful range on a given day, while an AQI level below 100 means that a pollutant reading is in the satisfactory range. The nearest of the seven air quality monitoring stations to West Point Lake is located at Columbus, Georgia in Muscogee County to the south by approximately 50 miles. The AQI data indicate that the air quality of Columbus generally occurs within a satisfactory range. As of February 9, 2021, the AQI was calculated at 29.

2.2.9 Floodplain

West Point Lake has a 500-year floodplain that incorporates areas of Troup and Heard Counties in Georgia and Chambers County in Alabama. At the maximum flood pool elevation of 641 feet, the reservoir has a total storage at maximum flood pool of 774,798 acre-feet, of which 170,271 acre-feet is reserved for flood storage between elevations 635 and 641.

The floodplain south of West Point Dam consists of 171 residential structures, 18 public structures, and 220 commercial structures. Approximately 90 percent of the floodplain is on the Chattahoochee River between river miles 306.2 and 304.2.

2.2.10 Navigation

In general, recreational boat traffic on the lake can be heavy during the recreation season, but this concentration of heavy boat use is limited to the southern, more accessible portion of the lake.

Currently, there is no commercial barge traffic on the ACF system. Commercial waterborne traffic has continually declined in recent years as difficulties in maintaining the project and providing a reliable channel have increased. Repeated drought conditions since the 1980s have resulted in dramatic reductions in commercial traffic on the waterway. During sustained, low flow conditions when navigation on the system was restricted or eliminated, alternative contractual agreements were negotiated by the waterway users switching to truck or rail transportation.

2.2.11 Land Use

Land usage immediately adjacent to West Point Lake consists largely of suburban residential development with interspersed municipal, transportation, and industrial

development. Occasional agricultural and older rural homesteads still exist in some areas.

Currently, there are 21 day-use parks and recreation areas that have been managed for vegetation and wildlife until resources become available that will allow for development. Some of these areas are partially developed while others were not and subsequently closed. Designated as inactive/future recreation areas allows the current management in these parks to operate for vegetation and wildlife in an attempt to restore the health of the environment. All parks and recreational areas are managed according to their authorized land classification.

2.2.12 Recreation

The West Point reservoir is one of the most heavily-visited reservoirs in the state. Developed recreational sites on West Point Project lands include campgrounds, Day Use areas, marinas, and county parks. The West Point Project has 4 developed, active campgrounds with a total of 433 campsites, 21 day-use areas, 2 public marinas, 14 lease sites, and numerous trails. The project experiences a large number of different recreation activities. Some of the more popular activities include developed camping, boating, hiking, swimming, picnicking, hunting, fishing, biking, and observing wildlife.

2.2.13 Noise

Noise is defined as any sound that is undesirable because it interferes with communication, is intense enough to damage hearing, or is otherwise intrusive. Human response to noise varies depending on the type and characteristics of the noise, the distance between the noise source and the receptor, receptor sensitivity, and time of day. Noise is often generated by activities that are part of everyday life, such as construction or traffic.

Sound varies by both intensity and frequency. Sound pressure level, described in decibels (dB), is used to quantify sound intensity. The dBA noise metric describes steady noise levels. Very few noises are, in fact, constant: therefore, a noise metric, Day-Night Sound Level (DNL), has been developed.

The Noise Control Act of 1972 (P.L. 92-574) directs Federal agencies to comply with applicable Federal, state, and local noise control regulations. In 1974, the EPA provided information suggesting that continuous and long-term noise levels in excess of DNL 65 dBA are normally unacceptable for noise-sensitive land uses such as residences, schools, churches, and hospitals. Alabama and Georgia have not implemented noise regulations at the state level. There are no specific studies related to the existing noise levels in the West Point area.

2.2.14 Aesthetics

Several major public overlooks along with numerous minor locations and mowed vistas are provided for scenic enjoyment. Shade trees have been provided where needed.

Private boat docks or other structures on the lake are not permitted near the public recreational areas or in the vicinity of bridge crossings that will impair the scenic view. Camping and day use activities are set back a reasonable distance from the water's edge so that everyone can enjoy unrestricted use of the shoreline without intruding on another's site and privacy. One large peninsula in the Yellowjacket Creek recreational area is accessible only by walking, bike riding or by boats.

2.2.15 Hazardous, Toxic and Radiological Waste

Operating and maintaining USACE projects typically requires the use of hazardous and toxic materials. The use of materials, such as pesticides, paints, solvents, and petroleum products, would be expected during the operation and maintenance of USACE managed facilities, shoreline, vehicles, and equipment. The use of petroleum products would also be expected from the operation of marinas and from recreational vehicle use. The handling, use, storage, and disposal of such materials must be in accordance with label recommendations, USACE regulations, and local, state, and federal regulatory guidelines.

There are no known hazardous, toxic, or radioactive waste sites located on government property at West Point Lake. According to the Georgia EPD Hazardous Site Inventory, there are five hazardous sites within Troup and Heard Counties. Of those, four (LaGrange Municipal Solid Waste Landfill, Chem-Am, Pilot Wastewater Treatment Plant, and Ideal Cleaners) are located with LaGrange, Georgia and are the closest known hazardous sites locations. There are no known hazardous sites located near West Point within the State of Alabama.

2.2.16 Socioeconomics

West Point Lake is located in portions of four counties in the States of Georgia and Alabama (Troup and Heard Counties, Georgia, and Chambers and Randolph Counties, Alabama). For that reason, the four counties immediately bordering the lake are considered in the socioeconomic analyses conducted for the EA.

According to the 2010 Census, the Alabama counties 2019 population estimates as well as percentage change from 2010 for Chambers is 33,254, a decrease of 2.7 percent and Randolph is 22,722, a decrease of 0.8 percent. Georgia counties 2019 population estimates and percentage change from 2010 for Heard is 11,923, an increase of 0.8 percent and Troup is 69,922, an increase of 4.3 percent.

The median household income for 2014 – 2018 in Chambers County is \$39,872.00 and the per capita income is \$22,827.00; Randolph County is \$41,449.00 and the per capita income is \$23,247.00; Heard County is \$48,094.00 and the per capita income is \$21,796.00; and Troup County median household income is \$43,850.00 and the per capita income is \$22,348.00. There are 18.7 percent of individuals in Chambers County living below the poverty level; 19.7 percent of individuals in Randolph County living below the poverty level; 17.1 percent of individuals in Heard County living below the

poverty level; and 20.2 percent of individuals in Troup County living below the poverty level.

Employers in the counties include manufacturer shipment, merchant wholesalers, retail sales, accommodations and food service sales, health care and social assistance receipts/revenue, minority-owned firms, women-owned firms, men-owned firms, veteran-owned firms and nonveteran-owned firms (U.S. Census Bureau, 2020).

2.2.17 Prime and Unique Farmland

Historically, much of the region was used for crops, such as cotton. As cultivation eventually degraded the land, the rich topsoil essential to farming eroded away. Left with hard clay soil, farms in the Piedmont Region were unable to produce effective crops.

Prime farmlands, or areas with soil types that are most suitable and productive for agricultural purposes, have been identified and mapped by the U.S. Department of Agriculture. Georgia recognizes two categories of Important Farmlands: (1) Prime Farmland and (2) Additional Farmland of Statewide Importance. While there are prime soil types found within the vicinity of West Point Lake, there are no farmlands located within the parks or recreational areas of West Point.

Table 2: Web Soil Survey Data for Prime Farmland of the West Point Lake Vicinity

Symbol	Soil Description	Classification	Acres (Percent of AOI)
AcB	Appling gravelly sandy loam, gently sloping	All areas are prime farmland	114.6 (0.2%)
AdB	Appling sandy loam, 2 to 6 percent slopes	All areas are prime farmland	0.2 (0.0%)
CbB2	Cecil gravelly sandy loam, eroded, gently sloping	All areas are prime farmland	141.3 (0.3%)
CcB2	Cecil sandy loam, eroded, gently sloping	All areas are prime farmland	3.7 (0.0%)
DcB2	Davidson loam and clay loam, eroded, gently sloping	All areas are prime farmland	13.6 (0.0%)
LdB2	Lloyd gravelly sandy loam, eroded, gently sloping	All areas are prime farmland	174.5 (0.3%)
LeB2	Lloyd sandy loam, eroded, gently sloping	All areas are prime farmland	40.4 (.01%)
Sb	Seneca sandy loam	All areas are prime farmland	17.8 (0.0%)
Sd	Starr soils	All areas are prime farmland	28.3 (.01%)
AkB	Altavista fine sandy loam, 2 to 6 percent slopes	All areas are prime farmland	58.1 (.01%)

AmB	Appling sandy loam, 2 to 6 percent slopes	All areas are prime farmland	185.7 (0.3%)
AmC	Appling sandy loam, 6 to 10 percent slopes	Farmland of statewide importance	111.8 (0.2%)
CeB	Cecil sandy loam, 2 to 6 percent slopes	All areas are prime farmland	1,888.5 (3.5%)
CeC	Cecil sandy loam, 6 to 10 percent slopes	Farmland of statewide importance	3,344.7 (6.1%)
DgB	Davidson loam, 2 to 6 percent slopes	All areas are prime farmland	790.1 (1.4%)
MdB	Madison gravelly sandy loam 2 to 6 percent slopes	All areas are prime farmland	24.4 (0.0%)
MdC	Madison gravelly sandy loam 6 to 10 percent slopes	Farmland of statewide importance	185.6 (.03%)
Rh	Riverview loam	All areas are prime farmland	521.7 (1.0%)
Rk	Riverview-Chewacla association	Farmland of statewide importance	1,190.7 (2.2%)
VaB	Vance sandy loam, 2 to 6 percent slopes	All areas are prime farmland	54.6 (.01%)
VaC	Vance sandy loam, 6 to 10 percent slopes	Farmland of statewide importance	96.4 (.02%)
WhB	Wickham fine sandy loam, 2 to 6 percent slopes	All areas are prime farmland	129.4 (.02%)
WhC	Wickham fine sandy loam, 6 to 10 percent slopes	All areas are prime farmland	31.2 (.01%)

3.0 Description of the Recommended Plan

The Proposed SMP (Appendix A: West Point Lake Draft Shoreline Management Plan) was developed in accordance with the criteria outlined within the USACE shoreline management regulation (ER 1130-2-406). The preferred alternative will meet West Point shoreline management goals and responsibilities while protecting the natural environment. Some of the 1993 SMP will remain unchanged with the proposed SMP. The most significant proposed changes to the SMP are shown below in Table 3:

Table 3: West Point Lake Shoreline Management Plan Proposed Changes

Page	Section No.	Subsection No.	Section or Subsection Title	Recommended Changes
9	18	N/A	Access Requirements	Change: a minimum of 20 feet of shared common boundary with public property.
9	18	N/A	Access Requirements	Add: Extremely shallow lots, known as finger or flag lots will not qualify for a permit or license even if the 20-foot minimum boundary frontage requirement is met.
9	18	N/A	Access Requirements	Delete: Easement
9	18	N/A	Access Requirements	Delete: Public roads do not constitute legitimate access.
9	19	N/A	Private Individual Floating Facilities	Add "Permits/licenses will not be issued for speculative reasons".
9	19	N/A	Private Individual Floating Facilities	Add: One private floating facility may be allowed for each separate piece of property that an individual may own, providing all criteria are met regarding permit issuance. "Separate" is defined as properties that have been professionally surveyed, platted by a licensed surveyor and recorded as such in the respective county courthouse or tax office. If one structure (house, other dwelling, garage, etc.) or other supporting feature (driveway, swimming pool, porches, etc.) occupies more than one identified piece of property, the properties together will be considered one lot and will meet the criteria for consideration of one permit and license.
9	19	a	Location	Change: "in a location determined the area ranger" to "at the nearest point of shoreline as determined by a park ranger".
9	19	a	Location	Delete: "Usually".
9	19	a	Location	Replace: "common boundary" with "nearest point of shoreline".
10	19d	N/A	Standards for Docks	All dock configurations are subject to approval by the Corps and must be certified by a licensed professional engineer.
11	19d	3	Size Limitations for Individual Floating Facilities	Minimum dock size is no less than 144 square feet.
11	19d	3	Size Limitations for Individual Floating Facilities	The maximum dimensions of a floating facility must be no more than 32 feet on one side.
11	19d	3	Size Limitations for Individual Floating Facilities	The maximum allowable floating facility size is 1,024 square feet.

11	19d	6	Size Limitations for Individual Floating Facilities	Delete: Only one storage compartment per individual floating facility.
12	19e		Standards for Floating Facility Walkways	Walkways must be hinged and floating sections.
12	19e	2	Fixed Sections	Fixed sections are no longer authorized due to safety concerns related to fluctuating water levels.
12	19e	3	Materials	Delete: nonskid paint or adhesive strips.
13	19e	4	Handrail Requirements	If a second level sun deck is constructed, it must be encircled on the outer edge with a handrail that complies with the requirements above. Seating encircling a second level sun deck must have a back rest that is a minimum of 36 inches above the deck.
				If any portion of a walkway exceeds four feet in height above land or water at any time, rigid type safety handrails are required on each side for the entire length of that walkway component. Handrails must be 36 to 48 inches in height with a rigid intermediate rail at 18 to 24 inches. Vertical spindles may be used in place of the intermediate rail if they are no more than 12 inches apart. Arched walkway diagonal bracing may be used in place of the intermediate rail if it extends from the top rail to the walkway surface between each vertical post.
				The number of slips authorized for a given community dock will be determined by the amount of linear feet of Limited Development allocated shoreline immediately adjacent to the developed area. A ratio of 2 slips per 82 feet of shoreline will be used to determine the total number of slips allowed for a community dock.
13	19	f	Standards for Electrical Systems	Add: upon each permit/license reissuance.
13	20		Community Docks	The number of slips authorized for a given community dock will be determined by the amount of linear feet of Limited Development allocated shoreline immediately adjacent to the developed area. A ratio of 2 slips per 82 feet of shoreline will be used to determine the total number of slips allowed for a community dock.

14	21d	2	Limited Minor Underbrushing	Space between trees shall not exceed 10 feet.
14	21d	3	Limited Minor Underbrushing	Under no circumstances will any tree over 3 inches in diameter at ground level be cut without prior approval.
15	21d	10	Limited Minor Underbrushing	Permittee may plant up to ten native trees or plants without prior approval.
15	21e	N/A	Underbrushing for Fire Protection	Underbrushing for fire protection will be allowed in Protected Allocation lands adjacent to private structures where necessary for safety.
15	21 f	N/A	Other Activities	Security systems and cameras are not to be placed on public property or permitted facilities.
16	23b	1	Special Considerations	Golf cart turnouts are to be installed perpendicular to walkways and will be located near the gangwalk in a manner that is practical for the intended use. Turnouts may not exceed 8 feet by 8 feet and the total width of the turnout and walkway combined cannot exceed 14 feet. A 2 foot flair may be installed at the intersection of the turnout and walkway.
16	23b	1	Special Considerations	In an effort to protect the surrounding natural resources, these vehicles are only authorized to be used on the established Improved walkway surfaces.
16	24	N/A	Utility Installation	Solar power is only authorized for use at the floating facility and must be certified by a licensed electrician. No other forms of electricity generation is allowed on public land and water, i.e. wind, internal combustion generators etc. Low voltage ground level pathway solar lights are allowed without electrical certification.
16	24f		Standards for Electrical Systems	A signed agreement between the permit holder and the USACE is required before issuance of any permit that includes underground electrical lines. This agreement will stipulate that the electrical installation will be certified by a licensed electrician within 1 year of permit issuance. Within that one year a signed Certified Electrical Form must be returned to the project office. Certification of the electrical service by a licensed electrician is required at permit issuance, permit renewal, change of ownership or at any time an

				inspection reveals that the service does not meet requirements.
16	24b	2	Waterlines	Water pumps will be associated with a floating facility and maintained on the facility.
17	25a	N/A	Improved Walkways	Change 4 feet to 6 feet wide (to accommodate 4 feet wide golf carts).
17	25b	N/A	Improved Walkways	Change footbridge from 4 feet to 6 feet wide (to accommodate 4 feet wide golf carts).
19	30a	3	Nationwide Permit Activities	The shoreline protection area will be kept to the minimum necessary to protect and secure the dock's walkway and anchor system at the shoreline.
19			Carrying Capacity	In order to maintain ecological and aesthetic standards, a carrying capacity of floating facilities has been set for West Point Lake. Using ER 1130-2-406 and methodology contained within, it has been determined that this carrying capacity is 4,281 floating facilities. This takes into account the approximately 133 miles of limited development allocated shoreline, the 50 feet of minimum spacing between facilities, and the limited facility dimensions of 32 feet by 32 feet.
20	30b	N/A	Section 10 and Section 404 Permits	Land downstream of West Point Dam adjacent to the Chattahoochee River was also acquired for project management purposes. These lands were either acquired in fee simple ownership as well as flowage and/or sloughage easements. For the purpose of this shoreline management plan all downstream land owned in fee simple is not eligible for shoreline use permits and/or real estate instruments for private exclusive use. Any activity on Army Corps of Engineers easement land is subject to Section 10 of the River and Harbors Act, Section 404 of the Clean Water Act and/or consent to easement real estate instruments.
23	c		Special Considerations	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.
				Must securely attach furniture to the dock or remove it when not in use. Diving boards/structures of any type as well as sliding boards, 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, and permanent stereo/television systems are prohibited. 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.
23	d		Special Considerations	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 and the 50 feet spacing between facilities is maintained.

In addition, allocation changes within the West Point Lake SMP Update were recommended due to needs collected by project staff since the inception of the 1993 SMP and in response to public comments. Table 4 summarizes the existing shoreline allocations and recommended allocation changes.

Table 4: Proposed Shoreline Allocation Changes

Allocation Type	Existing Miles of Shoreline	Recommended Miles of Shoreline	Percentage of Shoreline at 635 MSL	Change in Percentage
Limited Development	131	133.0777988	25.34815216	0.39577121
Recreation	242	240.5887859	45.82643541	-0.26880269
Protected	151	150.3334153	28.63493625	-0.12696851
Prohibited	1	1	0.19047619	0
Total	525	525		

Several parks have been permanently closed which would eliminate the need for the areas adjacent to the closed park to be considered protected. Some of these areas would be changed to limited development to open viable areas for the Shoreline Management Program. This will allow several "grandfathered" docks within these zones to fall under the current standards and remove them from their grandfathered status. To compensate for the areas added to limited development, the Project selected

areas of the shoreline to move into protected status. These areas were selected based on various factors such as environmental concerns, topography, and/or natural sensitivity.

3.1 Alternatives To The Proposed Action

3.1.1 No Action Alternative

With the No Action alternative, there would be no changes to the current 1993 West Point Lake SMP and it would continue to be used. This would not allow the West Point Project to operate under an up to date SMP, in accordance with ER 1130-2-406. Therefore, this alternative was not further considered.

4.0 Potential Environment Impacts

4.1 Fishery Resources

Revisions to the shoreline usage would have no impact on fishery resources. The majority of impacts occur as a result of tournaments. Private and community docks would not greatly increase the amount of fish caught through recreational fishing.

4.2. Wildlife Resources

Wildlife resources may be temporarily displaced due to work associated with underbrushing, walkway improvements and docks. However, it should be noted wildlife could potentially benefit as a result of the dock policy revisions previously made. Community docks would allow for less docks being constructed along the shoreline.

4.3 Vegetation

Due to the history of cultivation and habitat degradation within the West Point area, much of the land surrounding the lake has been altered. There are no prime forest habitats within government boundaries of the lake. Much of the habitat seen today is secondary or even tertiary regrowth.

Impacts to vegetation resulting from dock policy revisions would be nonexistent. Docks would be constructed at the shoreline where vegetation is minimal or does not occur. West Point Lake does not experience a heavy population of aquatic vegetation so no impacts regarding aquatic vegetation would occur.

4.4 Endangered and Threatened Species

Federally listed species with potential habitat to occur in the proposed project area are the Indian bat, Northern Long-eared bat and White fringeless orchid.

The USACE, Mobile District determined that the proposed action may affect, but is not likely to adversely affect the Indian bat, Northern Long-eared bat and White fringeless orchid. There are no known population of these listed species observed within the project area. However, the USACE, Mobile District will provide information and instruction regarding identification of federally listed species and roosting habitat potentially occurring within the project area. Individuals will be directed not to harm or remove any species found. In the event tree removal is necessary an approach intended to avoid bat impacts would be implemented. This would include a select tree removal, allowing at least seven snag trees per acre to remain standing during the winter season when the bats have relocated to their hibernacula.

The USACE, Mobile District sent letters dated December 18, 2020, to the U.S. Fish and Wildlife Service North Georgia Ecological Field Office and Daphne Ecological Field Station requesting concurrence on our determinations. By email dated January 6, 2021, the North Georgia Ecological Field Office attached their response which stated they concurred with our determination that the project is not likely to adversely affect federally-listed species. No further Endangered Species Act Section 7 action is required, unless the project changes, a new species is listed, or new data indicate impacts to listed species may occur. By email dated January 20, 2021, the Daphne Ecological Field Station attached their response which stated they agreed with our findings that no federally listed species/critical habitat occur in the project area. If project design changes are made, please submit new plans for review (See Appendix B: Coordination).

4.5 Cultural Resources

Cultural resources would not be adversely impacted from the construction of community or individual docks. The entire West Point Lake property has been surveyed for the cultural resources and the boundaries of each cultural resource of concern has been clearly delineated. The condition of these cultural resource sites is monitored by USACE and management practices detailed in the 2017 HPMP would be implemented prior to construction to avoid or minimize any impacts to cultural resources.

4.6 Water Quality

Water quality would not be adversely affected from the construction of community docks or individual docks. There would be temporary increases in turbidity that would be minor and return to normal conditions upon completion of the construction. Best management practices would be implemented during construction to reduce the quantity of turbidity and sediment runoff entering the lake.

4.7 Wetlands

There are no proposed actions that would occur within wetlands and therefore, there would be no impacts.

4.8 Air Quality

There may be short-term and minimal impacts to air quality in the immediate vicinity of the proposed SMP revisions. These impacts would be temporary increases in particulates and emissions from the construction and lawn equipment. These impacts would subside upon completion of the work.

4.9 Floodplain

The proposed SMP revisions would not result in impacts to the floodplain.

4.10 Navigation

There would be no impacts to navigation by the proposed SMP. No docks would be constructed within commercial navigation channels as a result of the revisions to shoreline management.

4.11 Land Use

Land use surrounding the lake would be affected as the proposed SMP revisions would alter the designated use of shoreline. The area moved into limited development is similar to the amount of area removed from limited development, resulting in a nearly zero net change. For this reason, the changes in shoreline allocation are determined to be cumulatively minor.

4.12 Recreation

No effects on recreational resources would be expected from implementing the proposed SMP revisions. The proposed changes would have little to no effect on the types or quantity of recreational activities available to the general public, private adjacent homeowners or opportunities at the project.

4.13 Noise

There would be no permanent noise impacts associated with the proposed SMP revisions. Noise impacts would be temporary, associated with construction of the private/community docks, sun decks, walkways and lawn equipment. Noise impacts will revert to pre-project conditions upon completion of those activities.

4.14 Aesthetics

Aesthetics of the shoreline would be improved as a result of the minor underbrushing activities and the community dock policy which reduces the number of docks that obstruct views of the lake.

4.15 Hazardous, Toxic and Radiological Waste

The proposed SMP revisions would not involve the creation or disposal of hazardous, toxic, or radiological materials.

4.16 Socioeconomic

The proposed SMP revisions would have no negative impacts to the economy of the four counties surrounding West Point Lake. Instead, economic benefits can be realized through temporary employment of laborers, purchase of materials and purchase/rental of equipment.

4.17 Prime and Unique

No prime or unique farmlands are located within West Point Lake and therefore, would not be impacted by the proposed SMP revisions.

4.18 Environmental Justice

The Executive Order (EO) 12898, Federal Actions to Address Environmental Justice in Minority and Low-Income Populations (11 February 1994) requires that Federal agencies conduct their programs, policies, and activities that substantially affect human health or the environment in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under such programs, policies, and activities because of their race, color, or national origin. The recommended update of the Shoreline Management Plan would not create disproportionately high or adverse human health or environmental impacts on any low-income populations of the surrounding area.

4.19 Protection of Children

The EO 13045, Protection of Children from Environmental Health Risks and Safety Risks (21 April 1997), recognizes a growing body of scientific knowledge that demonstrates that children may suffer disproportionately from environmental health risks and safety risks. These risks arise because children's bodily systems are not fully developed; because children eat, drink, and breathe more in proportion to their body weight; because their behavior patterns may make them more susceptible to accidents. Based on these factors, the President directed each Federal agency to make it a high priority to identify and assess environmental health risks or safety risks. The recommended update to the Shoreline Management Plan do not pose any disproportionate environmental health risk and safety risk to children.

4.20 Cumulative Effects

The Council on Environmental Quality regulations define cumulative impacts as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions” 40 C.F.R. § 1508.7. Actions considered in the cumulative impacts analysis include implementation of the recommended plan and other Federal, State, Tribal, local or private actions that impact the resources affected by the recommended plan.

Within the project area, various past Federal, State, and private actions have impacted the West Point habitat and natural flow regime including construction of the USACE dam, urban development, and agricultural activities. Urban development and agricultural activities have adversely affected the native vegetation composition of the surrounding forests.

Implementing management plans like the SMP help to ensure a balance between public uses and stewardship of the natural environment. The proposed updates to the SMP include shoreline management activities, dock facilities, recreation, vegetation management and shoreline allocation changes. These updates would not significantly contribute to the cumulative impacts on the environment.

5.0 Any Irreversible Or Irrecoverable Commitments Which Would Be Involved Should The Recommended Plan Be Implemented

Any modifications proposed within the Shoreline Management Plan update could be removed and restored to current conditions if future conditions are warranted. Facilities and structures could be demolished and/or removed and the area could be made to recreate preexisting habitat conditions. Docks and walkways could be uninstalled and the shoreline would be reverted back to pre-construction conditions. Therefore, any irreversible or irretrievable commitments of resources involved in the proposed action have been considered and are either unanticipated at this time, or have been considered and determined to present minor impacts.

6.0 Adverse Environmental Effects Which Cannot Be Avoided

Adverse environmental effects which cannot be avoided involve vegetation loss as a result of limited minor underbrushing. These impacts, as previously discussed are expected to be minor individually and cumulatively.

7.0 The Relationship Between Local Short-Term Use Of Man’s Environment And Maintenance And Enhancement Of Long-Term Productivity

The proposed project constitutes a short-term use of man’s environment and is not anticipated to affect long-term productivity. The proposed Master Plan update would

provide increased values of existing recreational resources within the lease sites by improving the facilities.

8.0 Coordination

As required by the National Environmental Policy Act, the USACE, Mobile District will coordinate this project with the various local, state, and Federal agencies. The U.S. Fish and Wildlife Service, Alabama Department of Conservation and Natural Resources, Georgia Department of Natural Resources, Alabama and Georgia Historic Preservation Officers and federally recognized Tribes will be solicited for their comments and/or concerns regarding this project.

Coordination with the general public will be accomplished by making the EA available through means of a public notice being placed on the USACE, Mobile District website and emailing to interested parties. Comments received from the public and agencies on the proposed action will be incorporated into the EA.

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APPENDIX A: WEST POINT LAKE DRAFT SHORELINE MANAGEMENT
PLAN



**US Army Corps
of Engineers**
Mobile District

US Army Corps of Engineers, Mobile District (CESAM)

West Point Lake Shoreline Management Plan



**US Army Corps
of Engineers**
Mobile District

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1 Purpose

The purpose of the West Point Lake Shoreline Management Plan is to provide guidance and information specific to the effective management of the reservoir shoreline, including the adjacent public land and water. The plan describes the types of private uses and activities that may be permitted along the shoreline and addresses shoreline allocations, rules, regulations, and other information relative to the West Point Lake Shoreline Management Program.

2 Objective

US Army Corps of Engineers (USACE) policy is to provide for the management of all public land and water associated with the West Point Project in a manner that promotes the safe and healthful public use of the shoreline while also ensuring the conservation of natural resources for present and future generations. Public access to and from the shoreline will be preserved. The intent of all management actions will be to achieve a compatible balance between permitted minor private uses and long-term resource protection for general public use and enjoyment.

3 Authority

This plan was prepared in accordance with the requirements of USACE Engineering Regulation (ER) 1130-2-406, "Shoreline Management at Civil Works Projects," dated 31 October 1990 and updated 14 September 1992 and 28 May 1999.

4 Jurisdiction

USACE has proprietary or managerial jurisdiction over USACE-managed Federal lands. Under Section 234 of the Flood Control Act of 1970, certain project personnel may enforce Code of Federal Regulations (CFR) Title 36 Part 327 (36 CFR 327). Under Section 10 of the Rivers and Harbors Act of 1899, as amended, and Section 404 of the Clean Water Act of 1977, certain USACE personnel may enforce portions of 36 CFR 200. The States of Alabama and Georgia and their political subdivisions retain statutory responsibility to enforce State and local laws.

5 Project Description and History

The West Point Project is located on the Chattahoochee River in Troup and Heard Counties, GA, and Chambers and Randolph Counties, AL, approximately 3 miles upstream from West Point, GA, and 50 miles southwest of Atlanta. The project's shoreline stretches 525 miles at the maximum power pool of 635' National Geodetic Vertical Datum of 1929 (NGVD) and encompasses a water surface of approximately 25,900 acres. The total project acreage (58,129 acres) includes a 300'-500' buffer area around the lake.

Construction of the West Point Dam and Reservoir Project was authorized by the Flood Control Act of 1962 (PL 87-874) for the purposes of flood control, power generation, stream flow regulation for downstream navigation, fish and wildlife management, and general recreation.



Acquisition of project land was initiated according to the joint policies of the US Department of the Interior (DOI) and the Army relative to reservoir project lands. The Joint Interior-Army Acquisition Policy governed all land acquisitions for reservoir projects initiated between 1962 and 1971. West Point Lake land was acquired in fee to 644' National Geodetic Vertical Datum (NGVD) or 300' horizontally above contour elevation 638', whichever resulted in the acquisition of more land. Rather than following contour lines, most of the Government boundary consists of straight lines between points. This often results in distances greater or less than 300' between the boundary line and the shoreline.

In order to ensure that the water and land areas of USACE-constructed reservoirs were available to the public, the land that provides access along the shore of the reservoir was supplemented at selected locations for concentrated public use. West Point Project and other projects having recreation, fish and wildlife, or both as project purposes acquired additional lands as set out in the authorization and specified in design memoranda. This policy establishes that the United States owns in fee a continuous area of land around the reservoir above the water level to ensure ready public access along the shore. Under the Joint Interior-Army Acquisition Policy, USACE acquired adequate land, including areas required for public access, to accomplish all of the authorized purposes of the project and thereby obtain maximum public benefit.

Construction at West Point Project was initiated in December 1965, and the impoundment reached the full operating level of 635' NGVD on May 25, 1975.

6 Public Involvement

Development of the initial *Lakeshore Management Plan* included public meetings at West Point Lake on July 2, 1974, and at Lanett, AL, on September 25, 1975, with final approval in September 1979.

As a result of the revision of USACE ER 1130-2-406, "Shoreline Management at Civil Works Projects," dated 31 October 1990, and the length of time the original *Lakeshore Management Plan* had been in effect without an update, the need for a major review was identified in the early 1990s. USACE, in partnership with the West Point Lake Advisory Committee, formulated a process for public involvement to accomplish this task. On January 7, 1992, following extensive prior notification, a public workshop was held in LaGrange, GA. The update process was explained, and workshop participants were invited to serve on any of the six committees formed to address the following major areas of concern: Boat Docks; Land-Use Practices; Water Quality; Forestry, Wildlife, and Fisheries Management; Shoreline Allocations; and Recreational Development (later disbanded). Over the next several months these committees met to review the existing plan and make recommendations for the revision.

The committees presented their proposals to the public for comment at a second public workshop, held on April 21, 1992, in West Point, GA. In addition, written comments were received until May 5, 1992. The West Point Project Resource Management Staff studied the committee recommendations and public comments, conducted field reviews of allocations, and incorporated recommendations in the plan to the maximum extent possible after considering their effects on the resources. This process yielded the first draft of the *Shoreline Management Plan*, which was offered to the public and various Government agencies for written comment in October 1992 and approved soon after.

As a result of the multiple administrative changes made since the 1993 *Shoreline Management Plan* was established and the length of time it has been in effect, the need for another major review was identified. Therefore, USACE held two public involvement meetings in May 2018, one in LaGrange, GA, and the second in West Point, GA. The public was invited to come to both of these meetings with recommendations concerning any and all changes they would like to see incorporated into the *Shoreline Management Plan* update.

7 Private Individual Floating Facility Carrying Capacity

In order to maintain ecological and aesthetic standards, a carrying capacity of floating facilities has been set for West Point Lake. Using the methodology defined by USACE ER 1130-2-406, "Shoreline Management at Civil Works Projects," dated 31 October 1990 and updated 14 September 1992 and 28 May 1999, it has been determined that this carrying capacity is 4,281 floating facilities. This determination takes into account the approximately 133 miles of shoreline allocated to limited development, the 50' of minimum spacing between facilities, and the limited facility dimensions of 32' x 32'.

8 Shoreline Allocations

The West Point reservoir shoreline extends for 525 miles at 635' NGVD and encompasses a water surface of 25,900 acres. To meet the objectives of the *Shoreline Management Plan* and the *Project Master Plan*, it is essential to control the number, type, and location of facilities and activities on public property. These include, but are not limited to, floating facilities, utility lines, walkways, and vegetative modifications. The shoreline has been allocated into four categories: Limited Development Areas, Public Recreation Areas, Protected Shoreline Areas, and Prohibited Access Areas. Site maps depicting allocations and shoreline markings are included as Exhibits I and II. Allocations are defined below.

Land downstream of West Point Dam adjacent to the Chattahoochee River was also acquired for project management purposes, either in fee simple ownership or as flowage and/or sloughage easements. For the purpose of this *Shoreline Management Plan*, all downstream land owned in fee simple is not eligible for shoreline use permits and/or real estate instruments for private exclusive use. Any activity on USACE easement land is subject to Section 10 of the River and Harbors Act of 1899 (33 U.S.C. 403), Section 404 of the Clean Water Act (33 U.S.C. 1344), and/or consent to easement real estate instruments.

- **Limited Development Areas**—Approximately 133 miles (25.3%) of the shoreline is currently allocated for limited development (delineated in green on the shoreline allocation maps). Private floating facilities and various land-based activities may be authorized in these areas, provided a permit has been obtained and all permit conditions met. A number of resource management considerations determine whether a permit is granted for a site within a Limited Development Area. Among the factors considered with each application are water depth, navigation concerns, environmental features, terrain characteristics, density of development, existing facilities and activities, and location and layout of the applicant's adjacent property.
- **Public Recreation Areas**—Approximately 239 miles (45.6%) of the shoreline is currently allocated for public recreation (delineated in red on the shoreline allocations maps). These



areas are designated for current or future Federal, State, and other public recreation uses. Commercial concessionaires or other public entities may be permitted to use or develop Public Recreation Areas per approved site development plans. Private-use facilities or activities, including landform or vegetation modification, are not permitted in Public Recreation Areas. In addition, Public Recreation Areas are not considered as legitimate access for a shoreline use permit/license.

- **Protected Shoreline Areas**—Approximately 151 miles (28.8%) of the shoreline is currently allocated as protected (delineated in yellow on the shoreline allocation maps). Protected Shoreline Areas are designated to reduce conflicts between public and private use and to protect or restore aesthetics, fish and wildlife habitat, and cultural and/or other environmental values. Protected Shoreline Areas are also designated in accordance with the provisions of the National Environmental Policy Act of 1969 (NEPA; PL 91-190). Physical characteristics such as water depth, rapid dewatering, exposure to high winds and currents, and channel width are also considered in classifying Protected Shoreline Areas. Private individual floating facilities are prohibited in these areas unless they have “grandfathered” authorization in accordance with PL 99-662. Underbrushing a 5'-wide meandering pathway for access purposes may be permitted, provided its existence is compatible with all criteria of the protected classification.
- **Prohibited Access Areas**—Approximately 1 mile of shoreline is designated as Prohibited Access Areas (delineated in orange on the shoreline allocation maps). Located on or near the dam and operations areas, these areas are classified for public safety and project operations purposes. Therefore, public boating and pedestrian access are prohibited or restricted for safety and/or security reasons.

9 Permits

a Department of the Army Permits

a1 Nationwide/Regional Permits

33 CFR 330.5 authorizes minor bank stabilization, placement of anchoring posts for private individual floating facilities, and certain other activities below 635' NGVD (normal pool elevation). Specific written approval is necessary to engage in these activities on West Point Lake. Following are some considerations for the most common activities.

- **Wetland Areas**—Wetland areas can occur above and below 635' NGVD. Because these areas provide ideal fish and wildlife habitat, activities in these areas could significantly impact the natural ecosystem and may be prohibited.
- **Silt Materials**—Removal of silt materials is considered on a case-by-case basis. The removal of silt deposits may be authorized by a Specified Acts Permit (SAP) issued through the Project Management Office (Nationwide Permit, 33 CFR 334.5a), but only one such permit is issued for a particular location. Dredging is not permitted.
- **Shoreline Protection Work**—Minor shoreline protection work by private individuals may be authorized. Limited shoreline protection activities may be approved by the Operations Manager (Nationwide Permit, 33 CFR, 334.5a). These locally approved

measures include placement of riprap and construction of retaining walls. Riprap is the preferred type of erosion control since it also provides additional aquatic habitat. Concrete block walls are not allowed. Plans for retaining walls and riprap installation, showing dimensions and construction materials, must be submitted and approved prior to construction. In some cases, one set of steps for safe access over riprap and retaining walls may be allowed. Minimum requirements for retaining walls are shown in Exhibit III. The shoreline protection area must be kept to the minimum necessary to protect and secure the private individual floating facility's walkway and anchor system at the shoreline.

a2 Individual Permits—Section 10 Letter of Permission (LOP) and 404 Permits

Activities which exceed the limits of the nationwide permit may be authorized under conditions specified in permits issued pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344). These statutes require a Department of the Army permit. Shoreline Use Permits/Licenses are not issued for these activities. Contact the Project Management Office for application procedures.

b Shoreline Use Permits

Shoreline use permits/licenses are required for private floating facilities of any kind, including private individual floating facilities, boat shelters, and community docks. While boats do not require shoreline use permits, they may not be beached, stowed, or otherwise left unattended on the shoreline or adjacent to public land. They may, however, be moored at a permittee's floating facility. Shoreline use permits/licenses may also be issued for vegetative modification activities (underbrushing), erosion control, utility lines, improved walkways, and other specified land-based activities. Permits/licenses may be issued for a term of up to five years and contain general terms and conditions that are uniformly applicable to all permits/licenses issued (Exhibit IV). Individual site characteristics, circumstances, and/or conditions may require the statement of special terms and conditions on the permit/license. Permit processing and procedures are addressed in Exhibit V. Activities below 635' NGVD require a Department of the Army permit.

The issuance of a shoreline use permit/license does not convey any personal property rights or private exclusive use rights to public property. Owners of permitted facilities may take lawful precautions to protect their personal property from theft, vandalism and, in the case of floating facilities, trespass; however, they may in no way preclude the public's right to legitimate use of, or lawful access to, public land and water. This includes the public's right to access and use water adjacent to private floating facilities.

All applications for permits/licenses at the West Point Project must be approved by the Operations Manager prior to beginning any work on public land or water. The Operations Manager will review any request for activities not specifically addressed in this plan. Should an applicant want to discuss or appeal a decision, he/she should use the process defined in Exhibit VI.

Shoreline use permits/licenses are non-transferable and become null and void upon sale or transfer of the permittee's adjacent property, sale or transfer of the permitted facility, or death of the permittee and legal spouse. Prior to a change of ownership of a permitted facility, the original permittee must notify the Project Management Office. The new owner must either apply for a shoreline use permit/license within 14 days of property transfer or remove the facility and restore the area to a natural condition within 30 days of property transfer. Prospective adjacent property owners are strongly encouraged to contact the Project Management Office for information on permitting procedures (Exhibit V).

Applicants are billed for specific permitted activities and/or facilities prior to issuance of a permit/license. A fee schedule, published separately, is available from the Project Management Office upon request and is also provided with all permit/license applications. Fees are subject to change.

All shoreline use permits/licenses are issued, regulated, and controlled in accordance with the provisions of 36 CFR 327 and ER 405-1-12, Chapter 8.

10 Private Individual Floating Facilities

Decisions regarding the issuance of a permit/license for a private individual floating facility are based on many requirements and physical characteristics, as explained in the following paragraphs. Private individual floating facilities may not be used for human habitation, nor will a license/permit be issued for speculative purposes.

a Eligibility Requirements

One private individual floating facility may be allowed for each separate piece of property that an individual may own, providing all criteria are met regarding permit issuance. A "separate" piece of property is defined as property that has been professionally surveyed, platted by a licensed surveyor, and recorded as such in the respective County courthouse or tax office. If one structure (such as a house, other dwelling, or garage) or other supporting feature (such as a driveway, swimming pool, or porches) occupies more than one identified piece of property, the properties together are considered as one lot and meet the criteria for consideration of one permit/license. Properties maintained by corporations, partnerships, LLCs, and similar entities are required to complete the appropriate certificate of authority (Exhibit IV).

b Access Requirements

Applicants for a shoreline use permit/license must have a minimum of 20' of shared common boundary with public property and must provide a recorded deed or lease agreement (see paragraph 15c). Lease agreements must be for a five-year minimum term. Extremely shallow lots, known as "finger lots" or "flag lots," do not qualify for a permit or license even if the 20' minimum boundary frontage requirement is met. A plat of the adjacent private property, with the dimensions of ownership or lease clearly delineated, must be furnished for inclusion in the permit/license application. In situations where a public road and public land have a common boundary, adjacent landowners along the road/boundary may be considered as having access.

c Location

“Access area,” for the purpose of a private individual floating facility location, is defined as the area where the adjacent private property and public property share a common boundary. Floating facilities must front this common boundary at the nearest point of shoreline as determined by a park ranger. Deviations of not more than 100' to the left or right of the nearest point of shoreline may be considered if water depth, spacing, or other site conditions are a problem. The location of proposed facilities/activities must not cause a safety hazard to the applicant/user or general public. There may not be any crossover of permitted facilities/activities.

d Spacing

In order to provide a buffer area for boat maneuverability, water level fluctuations, and public safety, any new private individual floating facility must be located at least 50' away from other permitted facilities at lake elevation 635' NGVD. This distance is measured from the nearest point of one facility to the nearest points of the immediately adjacent facilities. In locations where two or more private individual floating facilities could be placed in the same general area but cannot meet the spacing requirement (for example, small coves or narrow lots), permits are issued on a first-come, first-served basis.

In addition, all new facilities must be placed in such a way as to have the least impact on navigation. The center one-third of the cove or channel must be left open for navigation at any location selected for a floating facility. At no time may the length of any private individual floating facility, including any moored vessel, extend into the center one-third of the cove or channel at 635' NGVD.

e Water Depth

To be eligible for a permit, the proposed location for a private individual floating facility must have a minimum 4' water depth under the lakeside of the facility at 635' NGVD. This requirement is intended to allow for daily and seasonal water fluctuations. It is the responsibility of the permittee to take any actions necessary to protect facilities during low- and high-water periods.

f Standards

All private individual floating facilities must be designed to ensure safety and structural integrity. All new and reassigned floating facilities are to be marked with 4" amber reflectors placed on the outside edges. In addition, the house number and street name must be posted on the floating facility with reflective lettering at least 3" in height in such a way that the address is easily visible from the water. Plans showing dimensions and detailing materials to be used must be submitted with applications. Standard floating facility examples are shown in Exhibit VII. Detailed floating facility plans must be returned to the Project Management Office at the time of application.

It is the permittee's responsibility to ensure that the floating facility is engineered and maintained to remain safe when exposed to environmental conditions (such as wind, wave

action, rain, and temperature extremes) and fluctuating lake levels. All floating facility plans are subject to approval by West Point Project staff and must be certified by a licensed professional engineer. Approval of plans by a project management personnel does not imply that they meet engineering standards but, rather, that the dimensions and materials listed meet current West Point Project standards.

g Structural Support System

Wood, composite decking, and/or metal are suitable materials for joists, rafters, studding, and decking of private individual floating facilities. All wood used in construction must be pressure-treated, cedar, redwood, cypress, or marine-grade. Creosote-, arsenic-, and penta-treated wood is not acceptable. Minimum size for main structure boards is 2" x 6". Decking must be 5/4" x 6" boards, 2" x 6" boards, or 3/4" marine plywood with a slip-resistant surface. (Carpeting is *not* allowed because it promotes deterioration). Metal decking (unless using bolt construction tread aluminum) is discouraged due to repair difficulties and slip hazards. If used, metal decking must have a non-slip tread.

Construction is considered unsafe when nails, bolts, or screws are protruding; when materials become partially decayed or slick from use; when wood supports and decking are loose or missing; and/or when wooden materials protrude beyond the defined limits of the approved facility dimensions or pose a hazard. Metal construction is considered unsafe when it becomes pointed, sharp, or jagged from wear; when it is rusted or wind-damaged; when bolts, screws, or other fasteners become loose, causing a tripping 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 approved dimensions; and/or when portions of metal decking are missing or causing a tripping hazard.

Under these and other unsafe conditions the permittee must repair, remove, or replace the facility in accordance with current standards.

h Walkways

Private individual floating facility walkways consist of a section or sections of walkway connecting the floating facility or shelter to the shoreline. These walkways must be hinged and floating sections.

- **Measurements**—The total length of the walkway and attached floating facility or shelter may not exceed 100' from 635' NGVD. This measurement includes the length or width of a moored vessel if it extends beyond the dimensions of the facility. The walkway and floating facility/shelter (including moored vessels) may not extend over one-third of the width of a cove or channel at 635' NGVD. Individual sections of floating or fixed walkways may require construction at less than maximum allowable lengths to ensure that all components of the floating facility are within permissible dimensions and guidelines. Walkway width may range from a minimum of 4' to a maximum of 6', but all sections of walkways leading to the floating facility or shelter must be a consistent width. Walkways and/or appurtenant steps may not extend landward more than 3' from 635' NGVD. Walkways/steps exceeding this limit are considered improved walkways and must meet criteria specific to improved walkways. (See Exhibit VIII.)

- **Fixed Sections**—Fixed sections are no longer authorized due to safety concerns related to fluctuating water levels (see paragraph 15c).
- **Materials**—All wood construction must be either pressure-treated, cedar, redwood, cypress, or marine-grade. Creosote-, arsenic-, or penta-treated wood is not acceptable. Minimum size for main structure boards is 2" x 6". Decking must be 5/4" x 6" boards, 2" x 6" boards, or 3/4" marine plywood with a slip-resistant surface. Deck boards must be perpendicular to the general direction of the walkway. Metal decking is discouraged due to repair difficulties and slip hazards. If used, metal decking must be a rustproof material and have a non-slip tread.

Construction is considered unsafe when nails, bolts, or screws are protruding; when materials become partially decayed or slick from use; when wood supports and decking are loose or missing; and/or when wooden materials protrude beyond the defined limits of the approved facility dimensions or pose a hazard. Metal construction is considered unsafe when it becomes pointed, sharp, or jagged from wear; when it is rusted or wind-damaged; when bolts, screws, or other fasteners become loose, causing a tripping 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 approved dimensions; and/or when portions of metal decking are missing or causing a tripping hazard.

Under these and other unsafe conditions the permittee must repair, remove, or replace the facility in accordance with current standards.

- **Handrail Requirements**—If any portion of an existing or new walkway is 4' or greater in height above land or water at any time, rigid-type safety handrails are required on each side for the entire length of that walkway component. Handrails must be 36"-48" in height with a rigid intermediate rail at 18"-24". Vertical spindles may be used in place of the intermediate rail if they are no more than 12" apart. Arched walkway diagonal bracing may be used in place of the intermediate rail if it extends from the top rail to the walkway surface between each vertical post. These requirements are illustrated in Exhibit IX.

i Flotation

All new or replacement flotation for private individual floating facilities must be constructed of materials which will not become waterlogged (not over 1.5% by volume per American Society for Testing and Materials [ASTM] standards), is resistant to damage by animals, and will not sink or contaminate the water if punctured. No metal-covered or injected-drum flotation is allowed. Foam-bead flotation which is not subject to deterioration through loss of beads and which has a minimum density of 1.2 lb/ft³ meets the above criteria and is authorized. Foam-bead flotation with a density of 1.0 lb/ft³ but does not otherwise meet the above criteria is Levee Safety Officer (LSO)-authorized provided it is encased in an approved protective coating which enables it to meet the specifications above. An "approved protective coating" is defined as warranted by the manufacturer for a period of at least 8 years against cracking, peeling, sloughing, and deterioration from ultraviolet rays while retaining its resiliency against ice and bumps by watercraft. Existing flotation is authorized until it has severely deteriorated and is no

longer serviceable or capable of supporting the structure, at which time it must be replaced with approved flotation.

Prior to acquiring flotation, permittees and applicants should obtain specifications from the manufacturer to determine whether a product conforms to these criteria. Once obtained, this information should be submitted to the area ranger for review.

A minimum 40% of each flotation billet must be above the waterline at all times (4" for every 10" of thickness). If less than 40% of a billet is above the waterline, it is no longer considered serviceable and must be replaced with an approved type of flotation. It must be securely attached using galvanized or stainless steel straps, treated dowels, galvanized or stainless steel fasteners, or other acceptable methods.

j ***Size Limitations***

Private individual floating facility dimensions are calculated exclusive of walkways. Less than maximum allowable sizes may be mandated by such site conditions as the width of the cove or channel and the density of development.

The minimum allowable size of a private individual floating facility is 144 ft²; sides are limited to a minimum of 10'. The maximum allowable floating facility size is 1024 ft²; sides are limited to a maximum of 32'. Boat shelter dimensions are figured on an overall basis, including boat slip and roof overhang (Exhibit VII).

k ***Roofs and Sundecks***

If a second-level sun deck is constructed on a private individual floating facility, it must be encircled on the outer edge with a handrail that complies with the above requirements. Seating encircling a second-level sun deck must have a back rest that is a minimum of 36" above the deck.

l ***Walls and/or Sides***

All new boat shelters must be open-sided; chain-link mesh or similar permeable material is permitted for security purposes.

m ***Storage Compartments***

Storage compartments may not exceed a maximum floor area of 24 ft² in size and must be fastened securely to the private individual floating facility. The maximum height is 48" on an uncovered floating facility and to the roofline on a covered floating facility. Total volume may not exceed 96 ft³.

n ***Hardware***

All hardware (including nails, screws, bolts, nuts, and washers) used on private individual floating facilities must be either galvanized or stainless steel.

o Anchoring

Private individual floating facilities must be physically attached to the shore with a walkway and equipped with an anchoring system. One approved anchoring method consists of cables placed at an angle from the floating facility to the shore and attached to metal or treated posts set in the ground. Cables must be galvanized steel, stainless steel, or aluminum. Cables may not be approved as a means for anchoring if they present a safety hazard to the public in regard to use of the shoreline.

Another anchoring method uses anchoring posts set into the lake bottom a minimum of 3' with the post tops a minimum of 7' above elevation 635' NGVD. (Telescoping posts set a minimum of 3' deep into the lake bottom and extendable to a minimum of 7' above 635' NGVD are acceptable).

For additional stability, concrete anchor pads may be installed at the land end of the walkway. Standards for anchor pads are shown in Exhibit X. Fixed sections and concrete anchor pads alone are not considered sufficient anchoring for floating facilities.

11 Community Docks

Requests for community docks require submittal of proposed dimensions, location, construction materials, and a list of lots within the development which will be assigned a slip. Each request is considered on its own merits and is approved only when the proposed facility significantly decreases the need for private individual floating facilities in a given area.

a Access Requirements

A community dock requires a community access point through a separate deeded and plotted parcel owned by the community or the community homeowner association. Community docks must meet basic access requirements detailed in Section 10b. Permits for community docks are issued to the homeowner association. A community dock agreement (Exhibit XI) must be signed and submitted with the proposed plans.

b New Subdivisions

Community docks serve the required needs with far less impact to the shoreline and will be given preference over private individual floating facilities whenever possible. Following the issuance of a community dock permit, the remaining shoreline adjacent to the affected community, but within the boundaries of the development, will be rezoned as "Protected." No new private individual floating facilities will be permitted at these locations.

c Location

"Access area," for the purpose of a community dock location, is defined as the area where the adjacent private property and public property share a common boundary. Floating facilities must front this common boundary at the nearest point of shoreline as determined by a park ranger. Deviations of not more than 100' to the left or right of the nearest point of shoreline

may be considered if water depth, spacing, or other site conditions are a problem. The location of the proposed facilities/activities must not cause a safety hazard to the applicant/user or general public. In addition, no crossover of permitted facilities/activities is allowed.

d Design

The number of slips authorized for a given community dock is determined by the number of linear feet of shoreline allocated to limited development that are immediately adjacent to the developed area. A ratio of 2 slips per 82' of shoreline is used to determine the total number of slips allowed for a community dock.

e Members

All slips in a community dock must be assigned to individual lots or designated first-come first served within the adjacent development as part of the permitting process. These slip assignments remain with the lot even upon transfer of ownership of the lot to which the slip is assigned. Individuals may not hold interest in more than one dock slip in one or more community docks. Exhibit XI must be completed and submitted to the Project Management Office prior to issuance of a community dock permit. Changes to the management of the community dock require the completion of a new community dock agreement.

f Renting Slips

Slips within a community dock may not be rented, sold, or leased either by the homeowner association or by the individual owner of the lot to which a slip is assigned.

12 Mooring Buoys

Mooring buoys are not permitted.

13 Vegetative Modification

a Limited Underbrushing

Underbrushing is defined as the selective cutting and continued control of woodland understory vegetation (such as grasses, vines, and briars) and the thinning of tree seedlings, as approved by the Operations Manager. Leaf litter is essential to erosion control and soil moisture conservation; therefore, removal of mulch is not permitted. The purpose of underbrushing permits/licenses is to provide safe access to the shoreline with minimal alteration to existing vegetation. Underbrushing permits/licenses are not issued for the creation or improvement of vistas, speculative purposes, or similar reasons.

b Vegetative Planting

A wooded shoreline is essential to the water quality and beauty of West Point Lake. In many areas tree seedlings have not been allowed to become established and serve as replacement

trees as the older trees begin to die out. To provide for these replacement trees, USACE may plant seedlings in grassed or open areas. These seedlings are marked, and their removal by adjacent property owners is prohibited. Adjacent property owners are notified in advance of the plantings.

Adjacent property owners are encouraged to help maintain the natural shoreline appearance. Modification of public land through additional plantings must be in accordance with an approved, detailed planting design. Planting designs must use only native plant materials, and they must both stress the enhancement of the natural environment and be conducive to wildlife propagation and/or erosion prevention.

c Permit Authorization

Existing vegetative modification permits, including those for grassed or open areas, may be reissued to the permittee until a change of ownership of the permittee's adjacent private property. Upon change of ownership, a policy of reclaiming these areas by replanting and/or by natural regeneration may be implemented. The goal of this policy is to reforest these areas and bring them into compliance with current underbrushing guidelines.

All new and/or reassigned vegetative modification/underbrushing permits are subject to the following conditions.

- In order for a limited minor underbrushing permit to be approved, the area must be allocated for limited development and possess terrain that can be underbrushed without erosion or other environmental problems resulting.
- The area to be underbrushed is limited to a strip not to exceed 100' in width, extending from the public property boundary to the shoreline (635' NGVD). However, if the adjacent landowner's common boundary with public lands is less than 100', the width of allowable underbrushing is reduced at the common boundary accordingly. Site conditions and other resource considerations may warrant the reduction of allowable underbrushing dimensions. Examples of dimension configurations are shown in Exhibit XII.
- The space between trees must not exceed 10' on center. A variety of young native seedlings and saplings must be selected, established by planting, and/or allowed to become established through natural regeneration in order to maintain this spacing. These trees must be protected from the effects of underbrushing.
- Under no circumstances may any tree over 3" in diameter at ground level be cut without prior approval and marking by the area ranger. Dead trees must also be inspected and marked by a ranger before removal.
- Native ornamental trees and shrubs (such as dogwood, holly, redbud, wild azalea, maple, and magnolia) may not be cut regardless of size/spacing unless specifically authorized and marked by the area ranger. Exhibit XIII provides a list of native trees and shrubs.
- Limbs may be pruned up to one third of a tree's height or 10' above ground level, whichever is less.

- The area to be underbrushed is to be identified on site by a ranger. The remaining public property is designated as a natural area to provide buffers between private uses and to conserve wildlife habitat.
- Underbrushing is to be accomplished by using power or manual tools which allow the operator to selectively remove only the size and type of vegetation allowed under the terms of these conditions. No equipment larger than a small riding mower may be used. Mowers may not be used on slopes where the removal of grass or leaf mulch will contribute to soil erosion. A permittee may be directed by a ranger to discontinue the use of equipment or techniques that result in indiscriminate underbrushing or environmental degradation.
- Underbrushing of public land for fire protection may be authorized where dwellings or other structures on private property are located near the property line. In order to provide a reasonable degree of fire safety, public land up to 30' from the nearest structure may be underbrushed. Underbrushing for fire protection is allowed in Protected Shoreline Areas adjacent to private structures where necessary for safety. Underbrushing must be authorized by permit/license.
- The use of herbicides, insecticides, or any kind of biological control chemicals is not allowed on public lands unless unusual circumstances exist. Requests may be submitted for a Specified Acts Permit (SAP) from the Project Management Office.
- Only vegetative material taken from public lands as authorized by permit may be piled and burned on public lands. Burning is restricted to the exposed lake bottom (below 635' NGVD) during periods of low water and must be in strict accordance with all applicable state and local laws. Permittees must contact the County office of the State forestry commission for permission to burn. Fires must be attended at all times and fully extinguished when not actively attended. Future State and Federal regulations may result in further restrictions or elimination of burning privileges.

Note: Permittees are encouraged to choose environmentally friendly alternatives to burning underbrushed materials, such as small wildlife brush piles, composting, or erosion control. Prior coordination and written approval from a ranger is required.

- Permittees may plant up to ten *native* trees or plants (for example, wild azaleas, dogwoods, magnolias, and redbuds) without prior approval, provided they are located in a random fashion and do not displace or destroy vegetation that would otherwise remain when conducting valid underbrushing. Non-native plants are subject to removal from public lands. Larger-scale native planting projects require that the permittee submit a planting plan to the Project Management Office, detailing the species name, quantity, and location. This plan must be approved prior to any planting. A list of native trees and shrubs that may be planted is included as Exhibit XIII.
- Underbrushing of public land for fire protection may be authorized where dwellings or other structures on private property are located near the property line. In order to provide a reasonable degree of fire safety, public land up to 30' from the nearest structure may be underbrushed. Underbrushing for fire protection is allowed in Protected Shoreline Areas adjacent to private structures where necessary for safety.

- In situations where underbrushing requirements are not observed, an underbrushing permit may be revoked or the underbrushing area reduced in size. Violation of underbrushing permit conditions may also be addressed under 36 CFR.
- Establishment of grass lawns is not allowed, nor are activities which create the appearance of private ownership and control of public lands. These activities include the placement, storage, or abandonment of unauthorized personal property on public lands. Security systems and cameras are not to be placed on public property or permitted facilities.
- Replanting and restoration may be required to correct any unauthorized vegetative modification.

14 Land-Based Facility Requirements

To minimize the adverse effects on public property, all permitted utilities must be underground and their locations designated in the permit/license. Permit/license fees are assessed for each utility line authorized. Water lines and electric lines may be placed in the same trench when installed in accordance with the requirements listed on the electrical certification forms (Exhibit XIV). The water line must be installed a minimum of 12" above the electric line and a warning tape placed immediately below its entire length to indicate that a buried electrical line lies beneath it. Utility routes are limited to 3' in width and are not issued if erosion or other environmental degradation is a probable result of installation.

a Electrical Service

Requirements for installation and use of electric service on floating facilities at West Point Lake are shown on the electrical certification forms included as Exhibit XIV. New installations of electrical service must be certified by a state licensed electrician immediately upon installation. A signed Certified Electrical Form must be provided to the Project Office as soon as possible after installation but no later than one year of license issuance. Certification of the electrical service by a licensed electrician is required at permit issuance, permit renewal, change of ownership, or at any time an inspection reveals that the service does not meet requirements.

b Water Lines and Pumps

Permits/licenses for adjacent landowners to withdraw water from the lake for potable (drinking) purposes are not issued.

Water may be withdrawn for non-potable uses by electric pump. An electric line permit is required for electric pumps on public property. Pump engines may not exceed 4 horsepower. Water pumps are associated with a floating facility and are maintained on the facility. Non-potable intakes must be attached to the floating facility with no lines installed underground below the normal pool elevation, 635' NGVD. Water withdrawal apparatuses must not interfere with or conflict with public use (such as presenting a boating hazard

Potable water lines from private property may be permitted, but only one above-ground spigot may be authorized on public property. An additional spigot may be installed on the floating

facility. Water lines to floating facilities must be securely attached to the outside edge or underside of the walkway and floating facility.

No restroom, shower, sink, fish cleaning station, submersible pumps, or irrigation fixtures are permitted on public property or authorized floating facilities.

c Other Utilities

Solar power generated for conversion to AC power is authorized for use only at the permitted facilities and must be certified by a licensed electrician. Solar panels must be mounted on the floating facility. No other form of electricity generation (for example, wind or liquid fuel generators) is allowed on public land and water. Low-voltage, ground-level pathway solar lights are allowed without electrical certification.

Upon approval by the Operations Manager, other underground utilities (such as telephone lines and intercom lines) may be installed. Telephone jacks and intercoms are permitted on floating facilities; however, the use of cordless phones and intercoms is encouraged. (No permit is required for cordless communication). No permits are issued for private fuel lines. One flag pole per permittee may be authorized by permit/license to fly only the flag of the United States of America.

d Improved Access

The unimproved pathway incorporated with an underbrushing permit does not convey authorization to install any structure, modify existing topography, and/or delineate the pathway. Improved walkways/steps require submittal and approval of plans prior to construction. They must be of simple design and may be constructed of crushed stone, wood chips, stepping stones, treated lumber, or similar materials. Continuous walkways, such as asphalt or poured concrete, are not permitted. Walkways/steps must follow a meandering route and be on a grade closely conforming to the topography to prevent erosion and avoid unnecessary removal of vegetation. Improved walkways must not exceed 6' in width. (See Exhibit VIII).

Footbridges may be authorized for access over drainage or other low-lying areas on public land. All footbridges 4' or greater above ground level must have a handrail with intermediate rail and must comply with the standards shown in Exhibit IX. Footbridges may not be constructed below the 635' NGVD elevation, and all wood must be pressure-treated and approved for ground contact. The maximum allowable width of a footbridge is 6'.

Permit numbers must be posted on all authorized footbridges and steps. The permit holder is responsible for posting the permit number on these structures using numbers at least 3" in height.

e Bank Stabilization

33 CFR 330.5 authorizes minor bank stabilization. Limited shoreline protection activities may be approved by the Operations Manager (Nationwide Permit, 33 CFR, 334.5a). These locally approved measures include placement of riprap and construction of retaining walls. Riprap is the preferred type of erosion control since it also provides additional aquatic habitat. Concrete

block walls are not allowed. Plans for retaining walls and riprap installation, showing dimensions and construction materials, must be submitted and approved prior to construction. In some cases, one set of steps for safe access over riprap and retaining walls may be allowed. Minimum requirements for retaining walls are shown in Exhibit III. The shoreline protection area must be kept to the minimum necessary to protect and secure the floating facility's walkway and anchor system at the shoreline.

15 Grandfathered/Prior Commitments/Public Law (PL) Protection

a Grandfathered Structures, Facilities, and Activities (Project-Specific Activities)

The term "grandfathered" is used to designate a structure or activity that was authorized by a previous policy and prior permit, but which current policy no longer authorizes.

"Grandfathered" structures that are authorized to be relocated from the originally documented site lose their protected status and must meet all current requirements for issuance of a permit/license, including materials, flotation, dimensions, the requirement for open-sided boat shelters, and all other standards now in effect. There are three categories of "grandfathered" structures/activities.

Grandfathered by Public Law. Twice in the past, Congress enacted legislation "protecting" facilities meeting certain criteria defined in these public laws. Section 6 of Public Law 97-140 (adopted December 29, 1981) is applicable to Federal water resource reservoirs or lake projects administered by the Secretary of the Army acting through the USACE Chief of Engineers. It provided that no lawfully installed floating facility or appurtenant structure could be required to be removed prior to December 31, 1989, if such property was maintained in usable condition and did not occasion a threat to life or property. Therefore, "grandfathered facilities" that were to be removed upon the sale of property or death of the original owner were allowed to remain until December 31, 1989, as long as they were maintained in a safe and usable condition.

b Floating Facilities and Appurtenant Structures (PL 99-662)

Congress amended this law with Public Law 99-662, which prohibits the forced removal, on or after December 31, 1989, of previously authorized floating facilities and appurtenant structures which were in place on November 17, 1986, providing that the following conditions are met:

- 1 The floating facility must be maintained in a usable and safe condition at all times.
- 2 Such property does not occasion a threat to life or property.
- 3 The holder of the permit/license is in substantial compliance with the terms of the existing permit/license.
- 4 The above law applies except where deemed necessary for public purposes, higher public use, or navigation or flood control project.

Floating facilities and appurtenant structures (such as improved walkways and utility lines) "grandfathered" by Public Law 99-662 that do not meet current requirements are permitted to



remain at their original authorized locations provided they meet conditions 1, 2, and 3 in the preceding paragraph. The only exceptions to this policy are that replacement floatation must meet all current requirements, handrails must be installed as required, and electrical systems must meet the current National Electrical Code standards.

Facilities lose their "grandfathered" status when condition(s) set forth by Public Law 99-662 are not met. When this occurs, the facilities and appurtenant structures must be removed and the area restored to its natural condition.

Grandfathered By Other Than Public Law. Floating facilities and appurtenant structures authorized by permits/licenses and installed after November 17, 1986, but which are not permitted by current policy, are "grandfathered" to the original permittee. All permitted and/or licensed facilities must conform to the current standards listed herein upon change of ownership, upon the death of the permit holder and his/her spouse, or when major repairs are required. The only exceptions to this policy are that replacement floatation must meet all current requirements, handrails must be installed as required, and electrical systems must meet current National Electrical Code standards.

Structures "grandfathered" in other than Limited Development Areas after November 17, 1986, must be removed and the area restored to its natural condition when major repairs are necessary, upon the death of the permittee and his or her spouse, or upon the change of ownership of permittee's private property or permitted structures.

c Project-Specific Commitments

Grandfathered by Public Law. Twice in the past, Congress enacted legislation "protecting" facilities meeting certain criteria defined in these public laws. Section 6 of Public Law 97-140 (adopted December 29, 1981) is applicable to Federal water resource reservoirs or lake projects administered by the Secretary of the Army acting through the USACE Chief of Engineers. It provided that no lawfully installed floating facility or appurtenant structure could be required to be removed prior to December 31, 1989, if such property was maintained in usable condition and did not occasion a threat to life or property. Therefore, "grandfathered facilities" that were to be removed upon the sale of property or death of the original owner were allowed to remain until December 31, 1989, as long as they were maintained in a safe and usable condition.

Grandfathered By Other Than Public Law. Floating facilities and appurtenant structures authorized by permits/licenses and installed after November 17, 1986, but which are not permitted by current policy, are "grandfathered" to the original permittee. All permitted and/or licensed facilities must conform to the current standards listed herein upon change of ownership, upon the death of the permit holder and his/her spouse, or when major repairs are required. The only exceptions to this policy are that replacement floatation must meet all current requirements, handrails must be installed as required, and electrical systems must meet current National Electrical Code standards.

Structures "grandfathered" in other than Limited Development Areas after November 17, 1986, must be removed and the area restored to its natural condition when major repairs are necessary, upon the death of the permittee and his or her spouse, or upon the change of ownership of permittee's private property or permitted structures.

Grandfathered Underbrushing and Mowing. Permits/licenses issued for underbrushing and/or mowing activities that are not currently authorized are “grandfathered” to the original permittee, or his or her spouse, as long as he/she owns the adjacent private property. At reissue to the current permittees, underbrushing dimensions are limited to those maintained as previously authorized. Rangers will revise site sheets and the special conditions section of the permit to reflect the authorized dimensions at the time of reissue. Upon the death of the permittee and his or her spouse, or a change of ownership of the adjacent private property, current policy governs what activity may be authorized (see Section 8, “Shoreline Allocations, and Section 13a, “Limited Underbrushing).

Permits issued to property owners that meet access requirements via an easement will continue to qualify for a permit as long as the easement remains. However, no new permits will be issued when an easement is the basis for meeting access requirements identified in Section 10b.

Permits issued for fixed section walkways, prior to the date of this plan, will be eligible for renewal/reassignment until major repairs are required. Once major repairs are required, the permitted facility must be brought into compliance with current policy.

Permits issued with a common boundary of less than 20 feet, prior to the date of this plan, will be eligible for renewal/reassignment. If the permit is cancelled or revoked, current policy will apply.

16 Facility Maintenance

All permitted facilities must be operated, used, and maintained by the permittee in a safe condition at all times. Unsafe conditions must be corrected immediately. If deficiencies are not corrected, the owner may be required to remove the facility at his/her expense. Permits for private floating facilities are usually reissued or reassigned when the current permit expires or when ownership of the facility is transferred, provided the owner has completed the requirements of reissuance (Exhibit V). An administrative charge is collected prior to issuance of the permit.

For both reissuance and reassignment, an inspection is performed by USACE personnel to determine whether facilities conform to standards of the Shoreline Management Plan.

a ***Minor Repairs***

Minor repairs do not require replacement or removal of the facility from the project. In such cases, using the facility without maintenance should not be life threatening, and the facility can be repaired with minimal effort.

b ***Major Repairs***

Major repairs may require removal of the facility from the project. In such cases, the facility usually has severe structural damage, and using it without maintenance poses an immediate hazard to life or property. Permits and licenses will not be reissued until such repairs are made and the facility no longer poses a hazard to life or property.

17 Specified Acts Permits

Specified Acts Permits (SAPs), which are issued at no charge through the Project Management Office, are required for activities that are not otherwise authorized by permits/licenses, that are one-time occurrences, and that do not require continued maintenance. SAPs are not approved if issuance would result in the likelihood of environmental damage. Permittees are responsible for any damage to public land resulting from activities authorized by SAPs. An SAP form is included in Exhibit XV.

The following are the more common activities requiring an SAP:

- Cutting or removing hazardous trees or limbs from public property which endanger life and/or property.
- Using herbicides to control kudzu or noxious plants, such as poison ivy. The use and application of herbicides must comply with the manufacturer's instructions and current State and Federal regulations.
- The temporary use of tractors, tractor-mowing implements, and other heavy equipment, which are otherwise prohibited.

a Dredging/Silt Removal

Removal of silt materials is considered on a case-by-case basis and may be authorized by a Specified Acts Permit (SAP) issued through the Project Management Office (Nationwide Permit, 33 CFR 334.5a). However, only one such permit is issued for a particular location. Dredging is not be permitted.

b Erosion Control

When an erosion problem originates on private property and extends onto public land, corrective action on private property should be taken to redirect the water runoff and prevent further erosion of public land. When a pathway is creating an erosion problem, an application must be submitted to improve the walkway and/or to relocate the path to lessen the impact. Permission may be granted to undertake activities designed to prevent erosion of public land. These activities include use of native plants, installation of water bars, placement of soil and/or rock, or combinations of these measures. Erosion control work must be authorized by permit/license.

c Hazardous Trees

A hazardous tree is a tree or part of a tree (such as limbs, branches, roots, or other tree vegetation) that has been identified as posing a risk of falling and causing damage to persons or personal property on public land or to persons, personal property, or real property adjacent to public land.

Permit holders must request a determination of hazard through the Project Management Office. Trees or tree parts determined to be hazardous will be marked for removal by the permit holder or his/her designee.

d Aquatic Plant Control

Adjacent property owners may treat invasive aquatic vegetation around their private individual floating facility provided they obtain a Specified Acts Permit (SAP) from the Project Management Office. An individual who is licensed by the State in the aquatic herbicide category must apply the herbicide. Permits are not required for the removal of aquatic vegetation from around private individual floating facilities provided such work is accomplished with hand tools only.

18 Shoreline Tie-Ups

Temporary shoreline tie-up is defined as the intermittent moorage of private watercraft along the shoreline during a period of recreational activity. This practice is allowed as long as a conflict of use does not develop. Watercraft owners are encouraged to contact local marinas for extended moorage. Permanent mooring devices are not permitted on the shoreline. Watercraft may not be moored within Prohibited Access Areas.

19 Easements

No new permits will be issued when an easement is the basis for meeting access requirements identified in Section 10b.

20 Boundary Management & Encroachment/Trespass Resolution

The boundary line at West Point Project has been established and marked by USACE in accordance with standard survey techniques and using licensed surveyors (Exhibit XVI). Where the distances between corners or witness trees are such that monuments or pins are not visible, survey markers may have been or may be placed by USACE to witness the boundary line. Whenever possible, witness posts with signs are placed near corner pins. The alteration or removal of monuments, witness posts, or pins is a violation of 36 CFR 327.

Every 3-5 years USACE repaints witness trees and removes undergrowth along the entire boundary line. However, due to the number of monuments and corner pins and the possibility they may have been disturbed, USACE cannot guarantee the accuracy of these pins and monuments. If a private need for the exact location of the common public/private property line arises, the adjacent property owner (at his/her own personal expense) should use a licensed surveyor. The Project Management Office can provide data describing the public property line; however, this data is not from a recorded document. A thorough check of recorded deeds, plats, and other courthouse records is strongly recommended before surveying, purchasing, or beginning construction on lands adjacent to public property on West Point Lake. Any discrepancies identified by the survey should be brought to the attention of the Operations Manager.



Adjacent property owners are encouraged to build permanent structures at sufficient distance from the boundary line to allow for maintenance of the structure and to reduce the possibility of an encroachment by subsequent additions of decks, porches, steps, patios, or similar structures. Adjacent property owners should check deed restrictions and County ordinances for any building setback requirements. If no setback requirements exist, adjacent landowners should exercise prudence to ensure that private structures and appurtenances do not extend onto public property.

Other than pedestrian access or general public recreation activities, any activity on public property not authorized by a permit/license (or in some case a Specified Acts Permit) is considered an encroachment or degradation of public property and is a violation of the Rules and Regulations contained in 36 CFR 327. Examples of such violations include, but are not limited to, motorized vehicle operation; removal or cutting of vegetation; beach construction; failure to remove a picnic table and other lawn furniture when not in use; and the placement or storage of trailers, vessels, satellite dishes, debris, fill material, dog pens, patios, roof overhangs, or other structures.

Adjacent property owners may not allow their pets to impede or restrict full and free use of public land and water by others.

a Minor Encroachments

Minor encroachments are those items of unauthorized personal property that are mobile and moveable (not attached to a structure). Minor encroachments include, but are not limited to, swings, grills, picnic tables, benches, gardens, and hammocks.

b Major Encroachments

Major encroachments are those items of unauthorized real property that are fixed. Major encroachments include, but are not limited to, any portion of a residence, shed, barn, or building. Other examples include septic tanks, drain fields, decks, porches, outhouses, and storage buildings.

21 Special Considerations

a Project-Specific Considerations

The construction of patios and other such items is not allowed on public land. A small number of such structures existed when public property was acquired. Permits for these existing items may be reissued or reassigned in accordance with special conditions of the permit/license. When the facility needs major repair or poses a threat to life or property, it must be removed.

The use of motor vehicles (including, but not limited to, cars, vans, trucks, motorcycles, golf carts and all-terrain vehicles) on public land and along the exposed shoreline is prohibited except as follows:

- Golf carts and similar low-impact, off-road utility vehicles may be used by persons provided an improved walkway has been permitted and established to lessen the impact to public lands. In an effort to protect the surrounding natural resources, these vehicles are authorized to be used only on the established improved walkway surfaces.

Golf cart turnouts are to be installed perpendicular to walkways and are to be located near the walkway in a manner that is practical for the intended use. Turnouts may not exceed 8' x 8', and the total width of the turnout and walkway combined may not exceed 14'. A 2' flair may be installed at the intersection of the turnout and walkway. (See Exhibit VIII.)

- A Specified Acts Permit (SAP) may be issued when vehicles/equipment are needed for construction or repair of permitted items. (See Section 17, "Specified Acts Permits.")

Private individual floating facilities are permitted for the purpose of providing moorage for vessels. However, it is recognized that private individual floating facilities 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 floating facility sections are not considered adequate to accommodate furniture. Due to wind and wave action, floating facility owners are required to attach furniture securely to the floating facility or remove it when not in use. Diving boards/structures of any type, 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, and permanent stereo/television systems) are prohibited. 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.

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 and the 50' spacing between facilities is maintained.

22 Shoreline Management Violations

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 36 CFR. In consideration of the issuance of this permit, the permittee must be in compliance with 36 CFR 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 or non-renewal of the permit 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 36 CFR 327. 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 US 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 five years.

The District Engineer may, by 30 days written notice mailed to the permittee by certified letter, revoke the permit whenever the public interest necessitates such revocation or when the permittee fails to comply with any permit condition or term. The revocation notice specifies the reasons for such action. If the permittee requests a hearing in writing to the District Engineer through the Operations Manager within the 30-day period, the District Engineer must grant a hearing at the earliest opportunity. In no event may the hearing date be more than 60 days from the date of the hearing request. Following the hearing, a written decision is rendered and a copy mailed to the permittee by certified letter. Notwithstanding the condition cited above, if, in the opinion of the District Engineer, emergency circumstances dictate otherwise, the District Engineer may summarily revoke the permit.

The most common activities addressed as unauthorized use include the conversion of public land to private use (for example, for use as vegetable or flower gardens), clearing of trees, underbrushing without a permit, construction of roadways, and abandonment or disposal of personal property. Once a permit violation or unauthorized use is corrected, the violator may be eligible to reapply for a Shoreline Use Permit/License subject to current regulations.

Violations of authorizations (including regional or Nationwide permits) or permits under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act are subject to statutory remedies. These remedies include injunctive relief (for example, restoration), civil penalties and, in appropriate cases, criminal penalties.

23 Administrative Review and Appeal

Recommendations made by USACE field personnel relative to the issuance of Shoreline Use Permits/Licenses are subject to review by supervisory and managerial personnel. Permit authorizations are made by the Operations Manager or his/her designee only. Should an applicant want to discuss or appeal a decision, he/she should use the process defined in Exhibit VI.

24 Natural Resources Management

USACE and the West Point Project Resource Management Staff are dedicated to the wise management and use of the natural resources associated with West Point Lake. Natural resources management is integrated with other project purposes within a multiple-use concept. The public is encouraged to take pride in the public land and water of West Point Project by working with USACE to ensure conservation of resources for present and future generations.

Prior to World War II, this portion of the Chattahoochee River drainage basin in the southern Piedmont had a relatively large rural population that engaged in extensive row-crop farming. Much of this farming took place on unterraced, marginal lands, which caused extensive sheet and gully erosion, resulting in an annual sediment load as great as 200 tons per square mile. Portions of the area were also in pastureland, woodlands, and other uses associated with agriculture.

The resources of West Point Project are very diverse because of these past land uses. This diversity is beneficial for the authorized uses and management philosophies. Multiple-use management philosophies are in practice at this project to enhance the recreation experience of visitors, to provide sustained forest resources, and to promote wildlife diversity. Management of the flora and fauna associated with West Point Lake is accomplished in accordance with the West Point Lake Operational Management Plan.

The ecology of West Point Project is directly influenced by activities of adjacent property owners on public land and water; therefore, limitations must be placed on activities authorized on public property. These limitations allow the conditional use of public property while protecting its integrity for a variety of public interests.

Adjacent property owners are encouraged to participate in cooperative wildlife management programs with the West Point Project Resource Management staff, who are available to assist in applying for authorization to accomplish wildlife enhancement projects and to provide information on bird nesting boxes, bird feeders, fish structures, and other beneficial practices.

The Project Management Office can also provide information regarding hunting (including required permits) on public land at West Point Lake.

a Water Quality

Water quality has an important bearing on the recreation and the fish and wildlife potential of the project. Water quality management at West Point Project is a challenging task because of the varied human activities in and around the reservoir and occurring in its drainage basin. The goal of this management responsibility is to promote water quality adequate for safe and healthful public use and to conserve beneficial aquatic life.

USACE strives to comply with all Federal and State water quality laws and standards as they relate to specific USACE operations. USACE personnel are also authorized to enforce provisions of 36 CFR 327.9, which prohibits the discharge of pollutants into project water or onto project land.

The States of Alabama and Georgia have the authority and responsibility to enforce state water quality laws. They are also authorized by the Environmental Protection Agency (EPA) to enforce the Federal Clean Water Act.

b Endangered Species

The Endangered Species Act of 1973, as amended, requires all Federal agencies to conserve endangered and threatened species and utilize their authorities to accomplish the purposes of this Act: To provide a means whereby the ecosystems upon which endangered and threatened species depend may be conserved and to provide a program for the conservation of such endangered and threatened species. Section 7 of the Act states that all Federal agencies will, in consultation with and with the assistance of the Secretary of the Interior, ensure that any actions that they authorize, fund, or carry out do not jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of their habitat.

The West Point Project Natural Resources Management staff work diligently to uphold the objectives of the Endangered Species Act. They also strive to protect species on public land which are classified as endangered or threatened in the states of Alabama and Georgia and are, therefore, protected by State law. Recovery plans are implemented upon discovery of protected species after consultation with State conservation experts and/or US Fish and Wildlife Service biologists.

Permits are issued that conflict with the preservation of endangered or threatened species. Any existing permits which are in violation of the Endangered Species Act will be modified or rescinded. Endangered or threatened species known to range or exist in the proximity of West Point Project as of the date of plan implementation are listed in Exhibit XVII.

25 Archaeological, Cultural and Historic Resources.

The National Historic Preservation Act of 1966, the Archaeological and Historic Preservation Act of 1974, and the Archaeological Resources Protection Act of 1979 were enacted by Congress to protect archaeological, cultural, and historic sites and to provide for the proper recovery of site data if warranted.

Determination that a previously issued permit infringes upon or impacts a site will result in its rescission. Permits that involve general or specific use or alteration of a site are not issued unless culturally cleared by the appropriate agencies. The use of metal detectors is prohibited except at designated areas. The Project Management Office can address specific concerns regarding procedures/locations for metal detector usage.

26 Conclusions

It is the intent of the West Point Lake Shoreline Management Plan to provide quality recreational opportunities for the public while protecting the environment. This is accomplished by balancing public recreational needs with West Point Project's physical limitations, its operations for all authorized project purposes, and environmental qualities. Both present and future recreational needs of the area were considered in the development of the Shoreline Management Plan. As presented, the West Point Lake Shoreline Management Plan is, and will continue to be, a flexible working document.

The Project Management Staff at West Point Lake continually monitor the needs of lake users and will recommend revisions to the Shoreline Management Plan to minimize conflicts between various interests. In advance of recommending any major revisions to this Plan, additional public workshops will be held, as required. The Plan will be reviewed at least once every five years and revised as necessary.

The West Point Project Management Staff is available to address any questions concerning the Shoreline Management Plan and its policies. The West Point Lake Project Management Office is located off US Highway 29, approximately 4 miles north of West Point, GA, and provides large-scale displays of the shoreline allocation areas described in the Plan. Further information concerning the Shoreline Management program is also available from the West Point Lake Project Management Office at (706) 645-2937.

27 References

- Endangered Species Act of 1973.
- ER 405-1-12, Chapter 8, *Real Estate Handbook*.
- ER 1130-2-400, *Management of Natural Resources and Outdoor Recreation at Civil Works Water Resource Projects*.
- ER 1130-2-406, *Shoreline Management at Civil Works Projects*.
- Executive Order 11752, "Prevention, Control, and Abatement of Environmental Pollution at Federal Facilities."
- Fish and Wildlife Coordination Act of March 10, 1934, as amended.
- *Lakeshore Management Plan, West Point Lake*, September 1979.
- *Master Plan, West Point Lake*, Design Memorandum 37, August 2017.
- National Environmental Policy Act of 1969, as amended.
- Public Law 85-624, Fish and Wildlife Coordination Act, 72 Statute 563.
- Public Law 86-717, 74 Statute 817, Forest Conservation.
- Public Law 89-665, 80 Statute 915, National Historic Preservation Act of 1966, as amended.
- Public Law 96-366, Fish and Wildlife Conservation Act of 1980.
- Public Law 97-140, Section 6, Water Resources Development Act of 1981.
- Public Law 99-662, Section 1134(d), Water Resources Development Act of 1986.
- SADvR 1130-2-12, "Construction of Boat Launching Ramps by Non-Government Groups."
- SADvR 1130-2-14, "Use of Lakeshore Land and Water Areas for Private Purposes."
- SAMOM 1130-2-2, "Permitting Procedures for Private Floating Docks."
- Section 4 of the 1944 Flood Control Act, as amended (16 U.S.C. 460d).
- Section 10 of the Rivers and Harbors Act of 1899, as amended.
- Section 404 of the Clean Water Act of 1977 (33 U.S.C. 1344).
- Title 33, Code of Federal Regulations, Part 323, "Permits for Discharges of Dredged or Fill Material into Waters of the United States."
- Title 36, Code of Federal Regulations, Part 327, "Rules and Regulations Governing Public Use of Water Resources Development Projects Administered by the Chief of Engineers."
- *West Point Lake Operational Management Plan*, December 1987.
- *West Point Lake Shoreline Management Plan*, 1992.

Exhibit I—Shoreline Management Plates



Plate 1

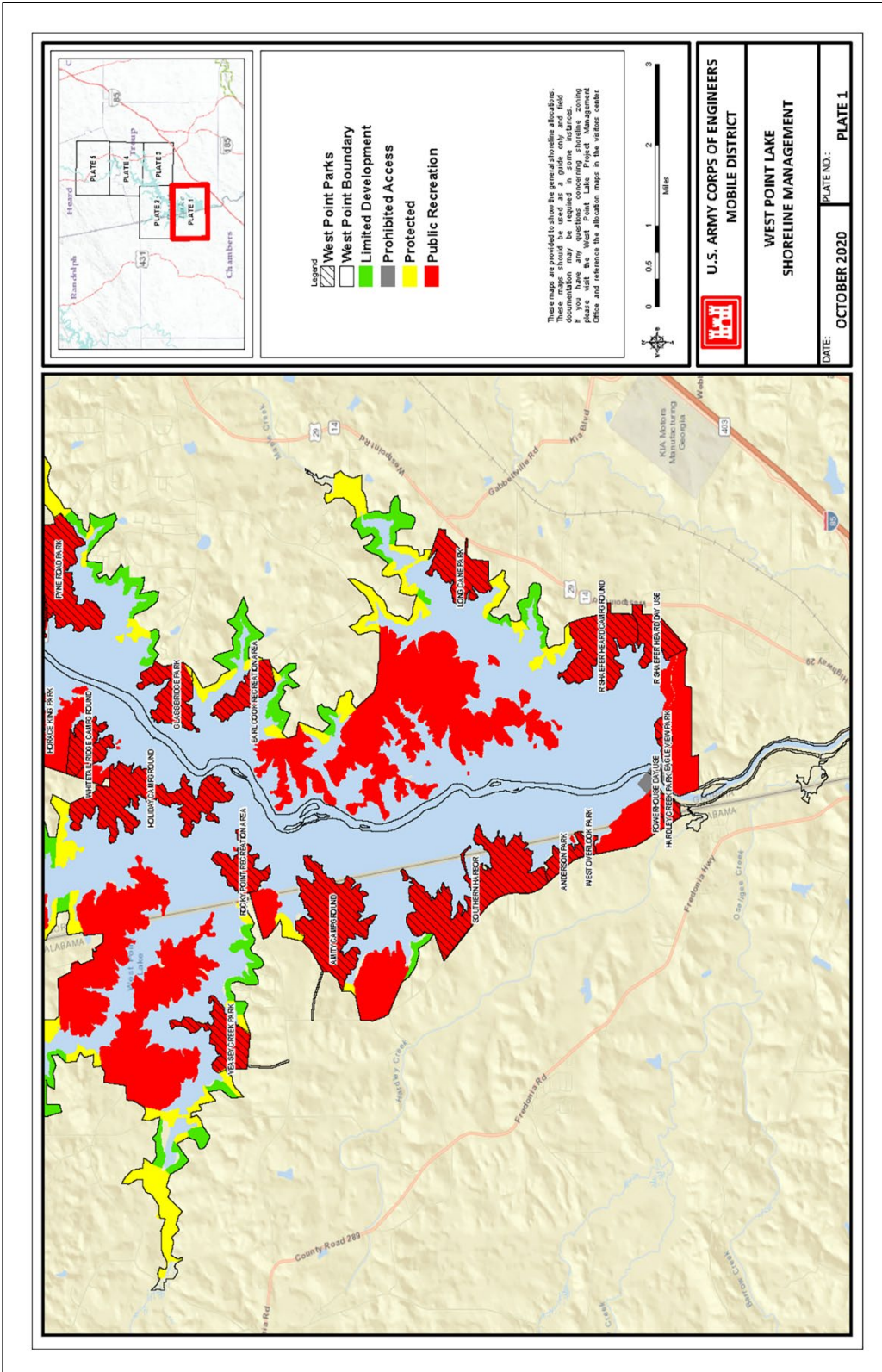


Plate 2

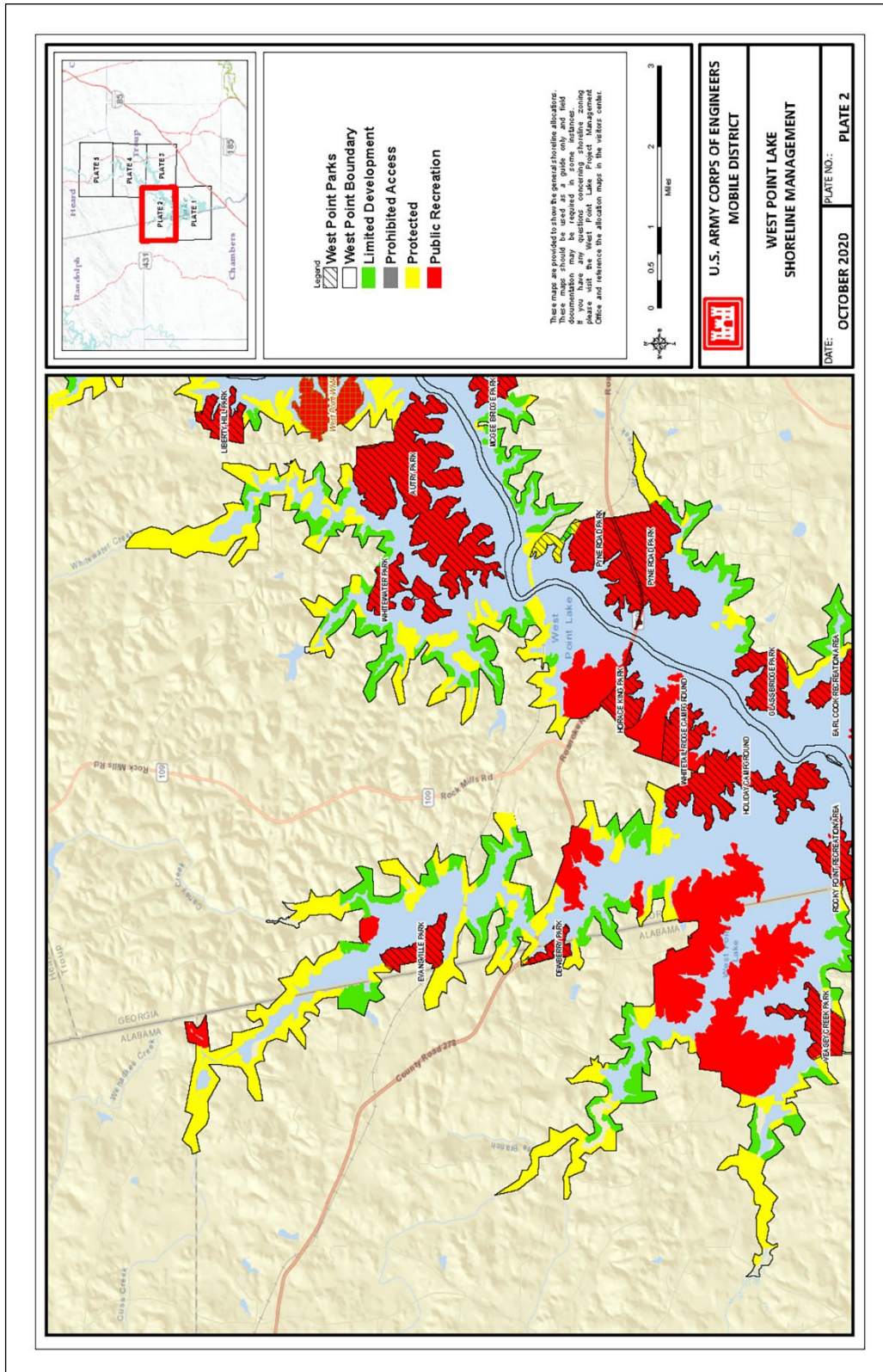


Plate 3

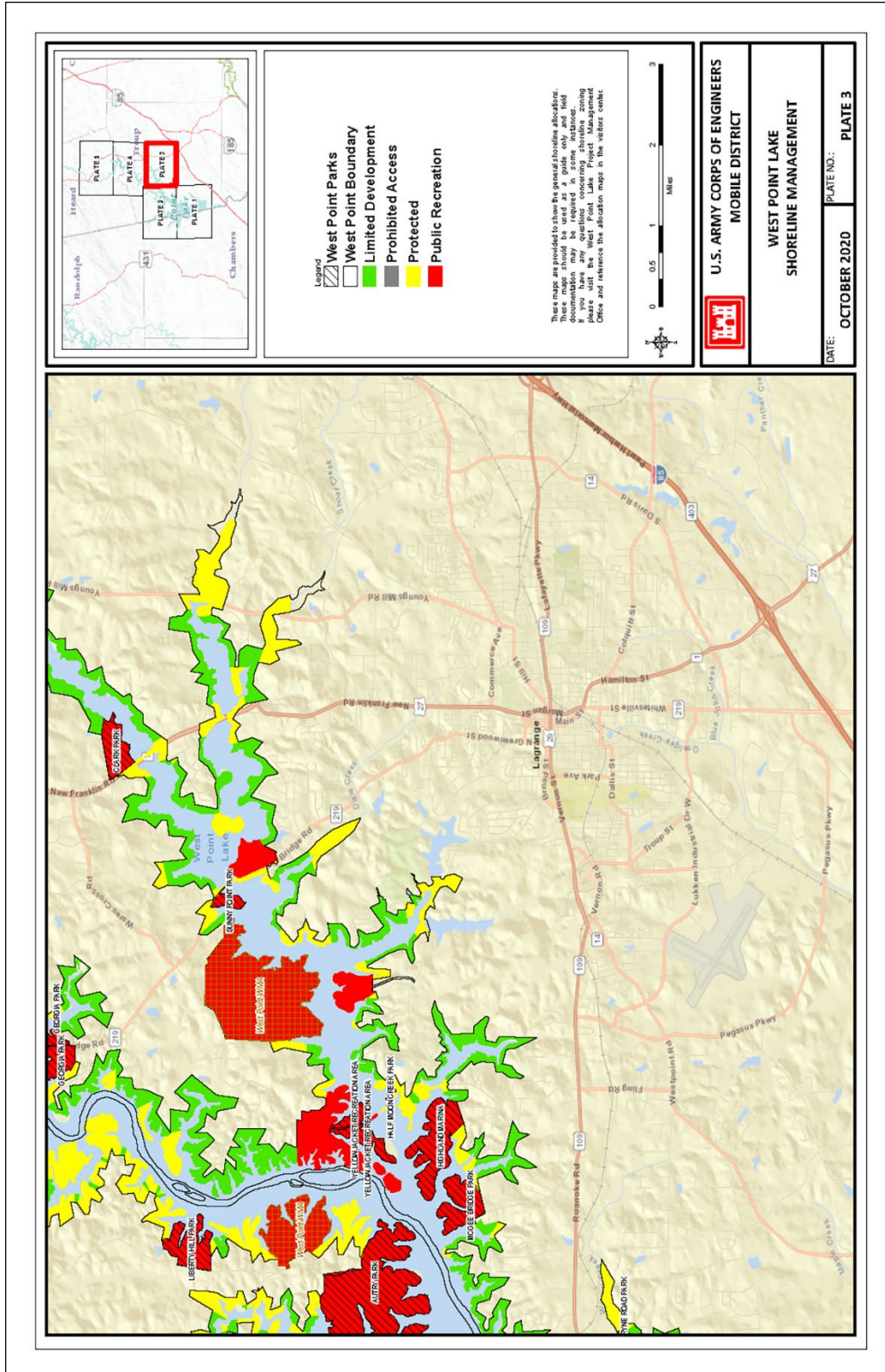


Plate 4

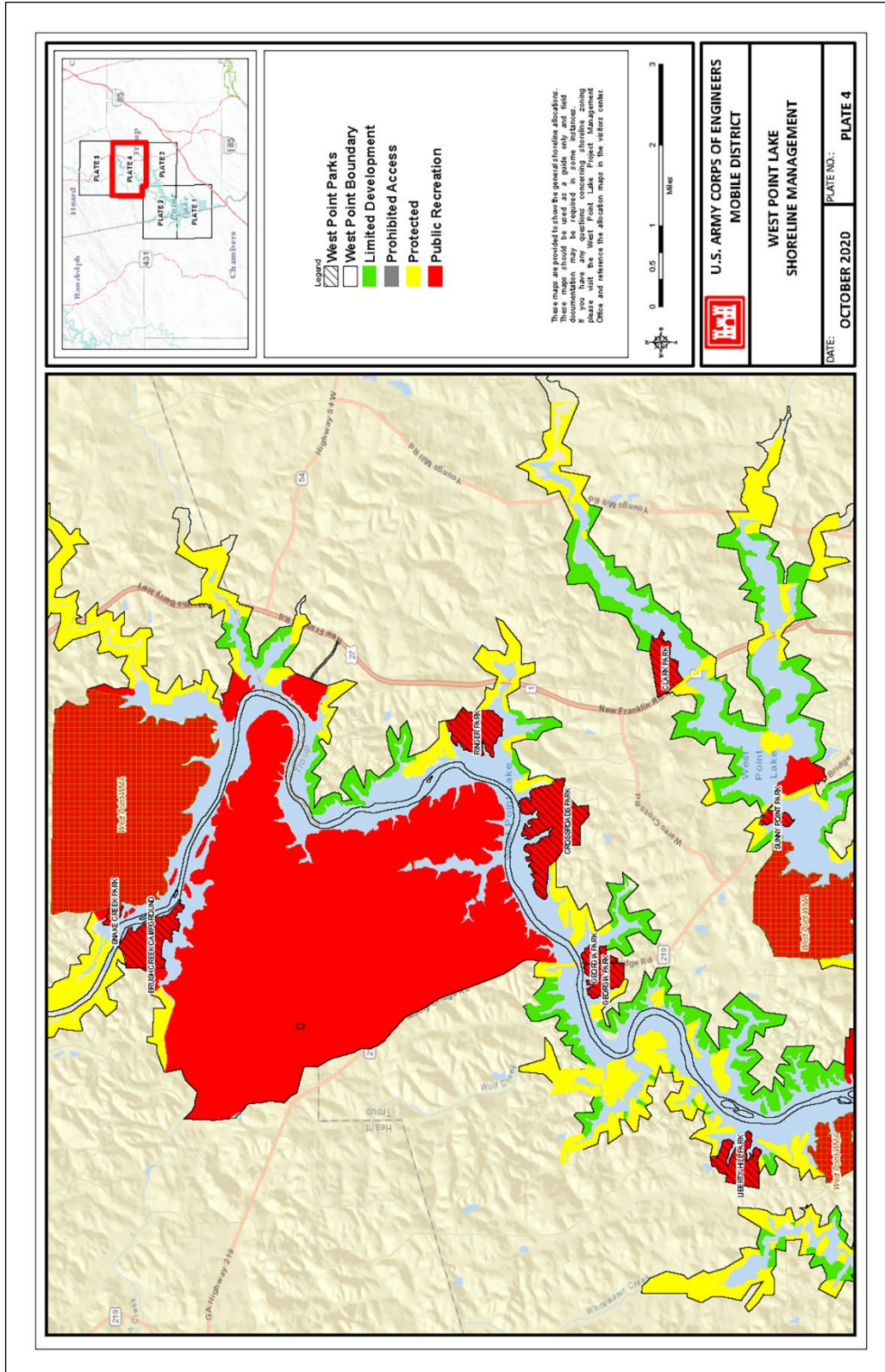


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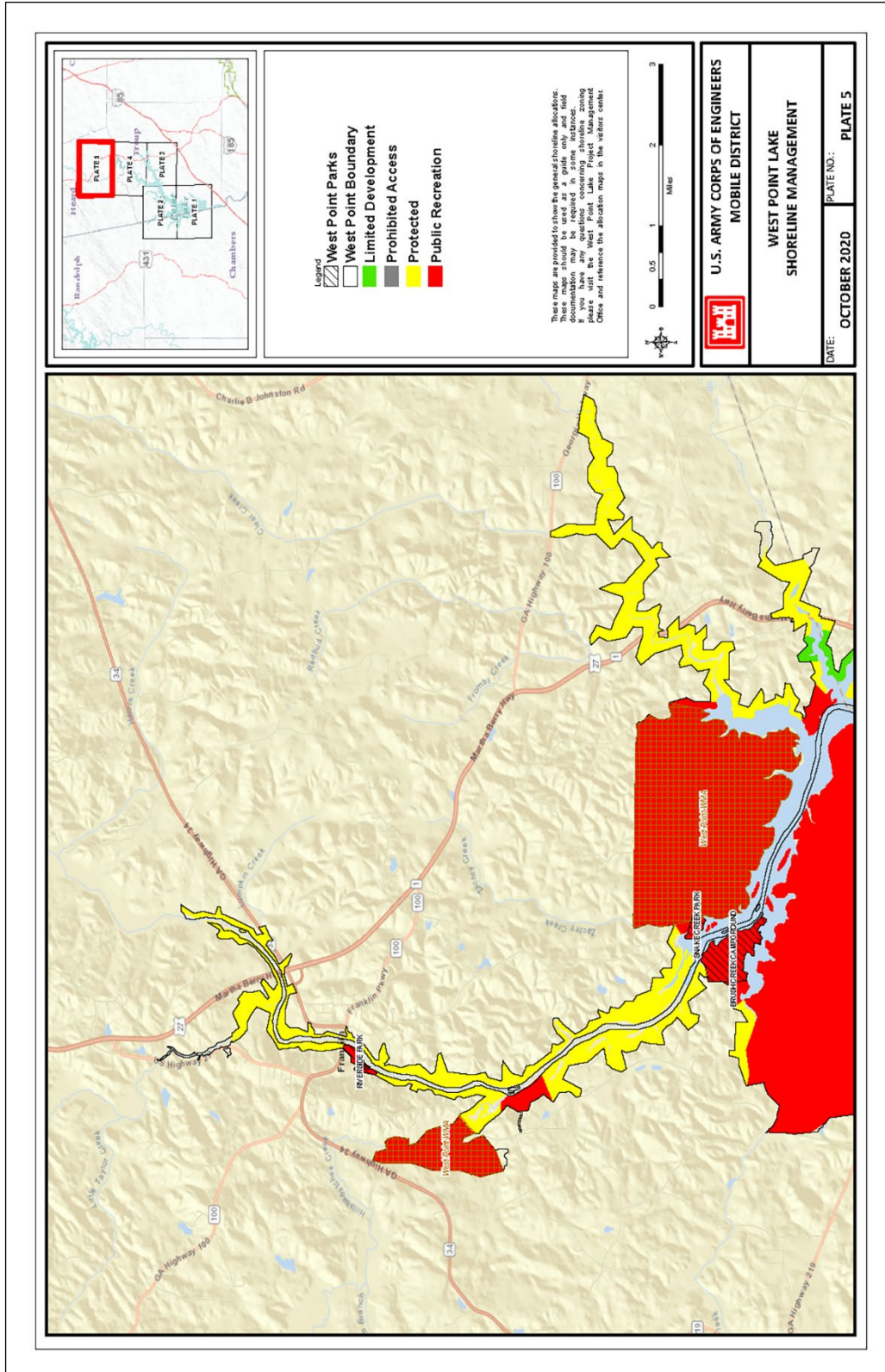
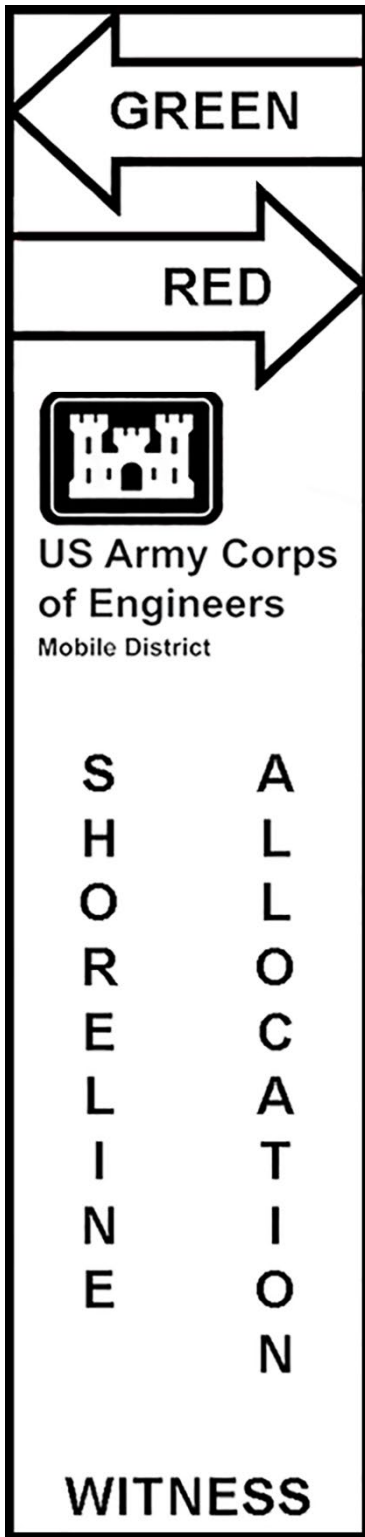


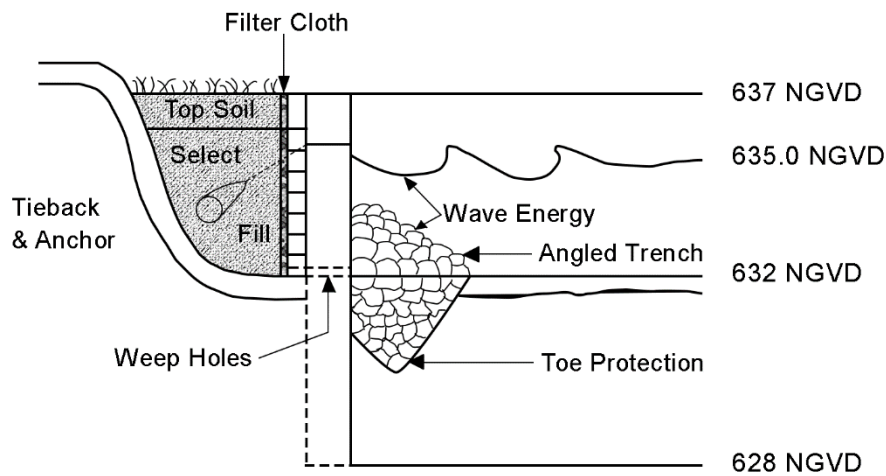
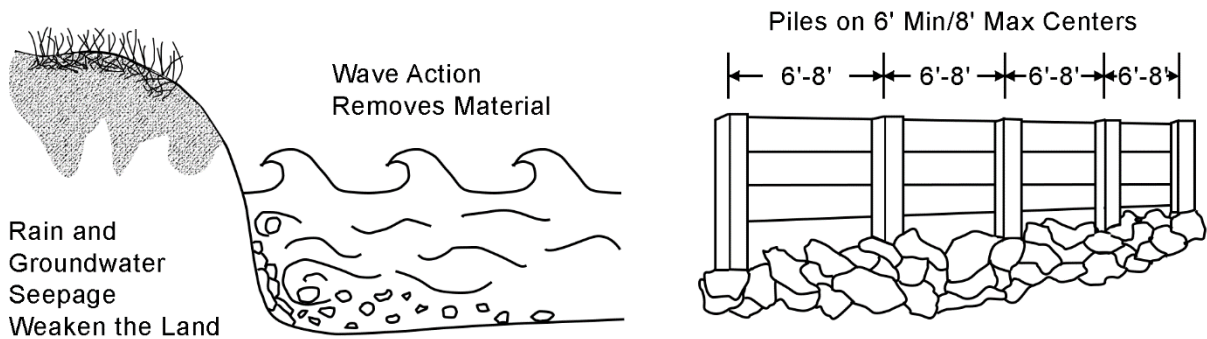
Exhibit II—Shoreline Allocation Signage



- **GREEN**—Limited Development Area
- **YELLOW**—Protected Area
- **RED**—Public Recreation Area



Exhibit III—Bulkheads and Seawalls



▪

Shoreline Erosion Control

- 1 The maximum length of a shoreline protection structure is determined by nationwide permit. Shoreline protection exceeding these limits require a Section 404 permit. In most cases the shoreline protection will be permitted only to a length sufficient to protect the floating facility from erosion.
- 2 No concrete block walls are allowed.
- 3 The permittee must submit a plan showing the proposed dimensions and construction materials.

Retaining Wall Specifications—Minimum Requirements

- 1 Once a permit is issued, the wall should be completed within one year. The wall should be designed for construction at elevation 635' NGVD.
- 2 Only walls using sound engineering design and construction will be considered.
- 3 Only treated material is allowed in wood wall construction.
- 4 The minimum height is 637' NGVD; the actual height will be determined by site inspection, location, and terrain conditions.
- 5 Timber bulkhead crossmembers must be square-cut-type lumber, so that they fit flush without gaps. The lumber may be 2" x 6" or 2" x 8"; however, larger crossmembers may be required if site conditions warrant.
- 6 The wall must have toe protection a minimum of $\frac{1}{3}$ of the wall height. The type of material and gradation must be noted on the plan.
- 7 A plastic filter cloth must cover the entire wall. Plastic filter cloth must be Type III erosion-control cloth with an equivalent opening size (EOS) of 40 (or equal to 40). The filter cloth must be secured to the wall as recommended by the manufacturer.
- 8 A minimum of one weephole, approximately 2" in diameter, is required between each post. They must be located within 1' from the bottom elevation and must be covered by filter cloth.
- 9 The maximum distance between posts is 8'. Posts should be a minimum of 6" x 6" in size. The minimum post depth below bottom elevation is 4'.
- 10 Tiebacks should be of sound engineering design and construction, and compatible with the type wall proposed. Tiebacks must connect to posts. A minimum of one tieback is required every 8'.
- 11 Fill material must be clean and free of rocks, broken concrete, bricks, and other debris. The upper layer should be planted with herbaceous native vegetation immediately upon completion of wall.



Application for Bank Stabilization
West Point Lake

Instructions

Please complete the information requested below on the application form and submit with a completed plan (see pages 3 – 4). Additional information related to the proposed project may also be submitted with the application, e.g., pictures, additional drawings, etc. Submit application to:

West Point Project Management Office
5000 Resource Management Drive
West Point, GA 31833

If approved, a signed copy of this application/permit will be returned to you for your records. **No activities may begin prior to receiving an approved permit and notifying ranger of start date.**

APPLICANT: _____ HOME PHONE: _____

ADDRESS: _____ WORK PHONE: _____

SHORELINE USE PERMIT NO. (if applicable): _____

Permit Conditions

1. Rip rap and retaining walls will be authorized at the discretion of the West Point Project Operations Manager.
2. Rip rap and retaining walls will follow the existing shoreline, installed uniformly with the natural contour of the bank. Site preparation will be limited to that necessary to obtain proper slope and stability for the structure, with every effort being made not to damage shoreline vegetation. Disturbed slopes landward of the structure will be stabilized within 15 days of the completion of the work. No grass lawns may be established to accomplish this stabilization. Any tree removal associated with the project must be approved by the West Point Project Operations Manager, and is limited to that necessary to obtain access to the work site. Use of equipment on public land is restricted to a single ingress/egress pathway and the immediate bank stabilization work site.
3. Rip rap and retaining wall projects are for the purpose of preventing erosion near the anchor points of permitted shoreline facilities and must be installed in accordance with approved site plans submitted by the applicant. In addition, all shoreline protection must be installed in accordance with Alabama and/or Georgia regional permits as described by the USACE Regulatory division for the respective State.
4. Rip rap must be quarry run stone with an average size necessary to meet site requirements as specified on approved plans. Broken cinder blocks, bricks, asphalt, or other debris is not authorized. Materials used for retaining walls must be specifically designed for erosion control purposes. Mortared walls or creosote crossties will not be authorized. Suitable filter blankets should be used where appropriate on both rip rap and retaining walls.
5. Amount of materials installed (wall material, footings, and backfill combined) will not exceed an average of 1 cubic yard per linear foot below 635' mean sea level (msl) elevation. No material will be placed in excess of the minimum required for erosion protection or for the purpose of land reclamation. In no instance will materials be placed below 630' msl elevation.

6. Backfill must be clean earthen fill. No debris or trash will be allowed. Gravel is allowed with retaining walls per manufacturer's recommendations; however, top layer must be earthen fill to allow for regeneration of native trees/understory. The establishment of grass lawns or sandy beaches in the disturbed area is prohibited.
7. Crossover steps are limited to 6 feet in width and will directly access the base of the rip rap or retaining wall structure. In no case will piers be approved beyond the top of the existing bank, rip rap or retaining wall.
8. Retaining walls must be installed according manufacturer's recommendations, if applicable. The Corps of Engineers reserves the right to require engineer certification for walls of unique design.
9. No material will be placed in special aquatic sites, including wetlands nor will it be placed so as to impair surface water flow into and out of any wetland area. Wetlands are defined as areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support aquatic vegetation.
10. In any materials or sites of cultural, historical or archeological significance are discovered within the project boundaries at any time preceding or during construction, the West Point Project Operations Manager's Office will be immediately notified and work will cease until further notice.
11. Work is not authorized within the known habitat of threatened or endangered species as identified under the Endangered Species Act.
12. Rip rap/retaining wall projects do not convey any private exclusive use rights to the permittee. Other permitted facilities may be authorized on or adjacent to the rip rap/retaining wall.
13. Dependant on location, some rip rap/retaining wall projects may not be authorized during the fish spawning season as defined by the West Point Project Operations Manager.
14. The West Point Lake Shoreline Management Ranger Staff must be notified of the project start date in advance to allow for progress inspections.
15. Violations of the terms and conditions of this permit, and/or damages to public land, may result in the issuance of a Violation Notice requiring the payment of a fine or appearance before the U.S. Magistrate, restitution, and/or revocation of part or all of the individuals' Shoreline Use Permit.

Applicants Signature: _____

Contractor Name (if applicable): _____

Contractor Address: _____

Contractor Work Phone: _____

For Office Use Only:

Date Approved : _____

West Point Lake Ranger: _____ Telephone 706-645-2937

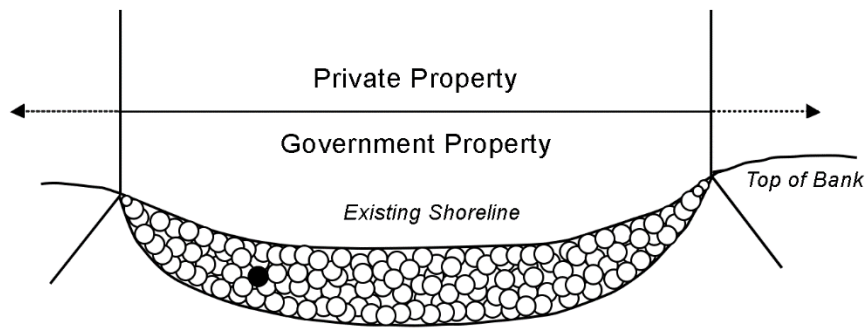


Proposed Riprap West Point Lake Plan View

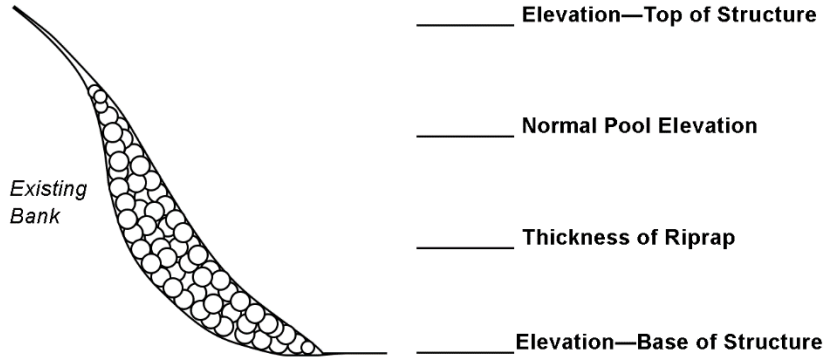
Name: _____ Permit #: _____

Lot #: _____ Subdivision: _____

Tract #: _____ County: _____ State: _____



Length of Structure: _____ Linear Feet



Amount, Type, and Size of Riprap: _____

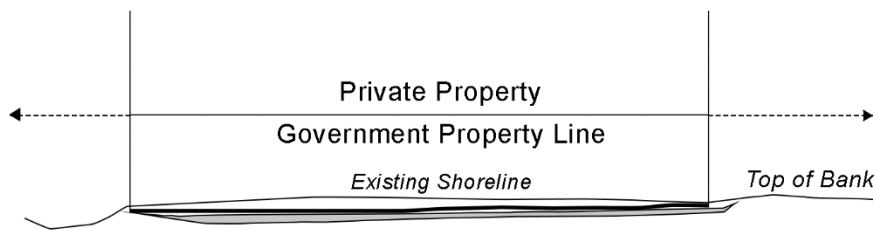
Method and Equipment Used: _____

Type and Size of Crossover Steps: _____

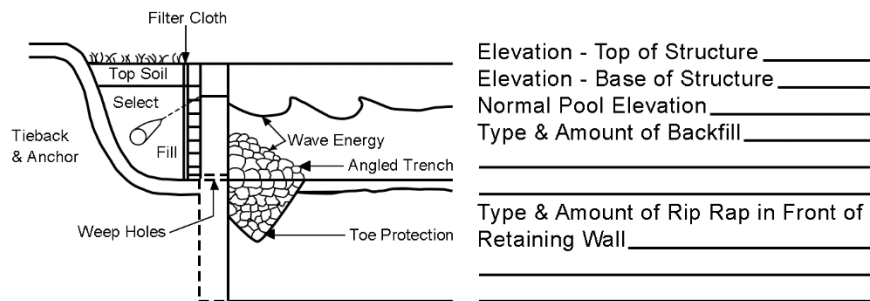
Name of Ramp to be Used, if applicable: _____

Proposed Retaining Wall West Point Lake Plan View

Name: _____ Permit #: _____
 Lot #: _____ Subdivision: _____
 Tract #: _____ County: _____ State: _____



Length of Structure: _____ Linear Feet



Amount, Type, and Size of Retaining Wall Materials: _____

Method and Equipment Used: _____

Type and Size of Crossover Steps: _____

Name of Ramp to be Used, if applicable: _____

**Attach any manufacturer's specifications as well as any other pertinent information, if applicable.*



Exhibit IV—Shoreline Use Permit, License, and Certificates



US Army Corps
of Engineers
West Point Lake

Permit for Shoreline Use

Shoreline Use Permit Number: _____

Issued: _____ Expires: _____

PERMITTEE

PERMIT LOCATION

County: _____
Subdivision: _____
Lot Number: _____
Address: _____
Allocation: _____
Parcel ID: _____

Emergency Contact / Second Responsible Party:

Shoreline Use License Number: _____
Shoreline Ranger: _____

PERMITTED ITEMS

SPECIAL CONDITIONS

ACCEPTANCE

I hereby agree to the above described use of public property or that which is authorized by the U.S. Army Corps of Engineers and agree to abide by all regulations, policies and conditions that govern such privileges. I have read and understand the applicable Shoreline Management Plan, the Privacy Act Notice and all 35 Permit Conditions and hereby accept this instrument with all of the conditions thereof.

Date

Signature of Permittee

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 found in attached Exhibits of this permit.

Date of Authorization

Project Operations Manager or Designee



PERMIT CONDITIONS

i. Permits may be revoked by the District Commander when it is determined that the public interest requires such revocation or when the permittee fails to comply with terms and conditions of the permit, the Shoreline Management Plan, or of this regulation. (Appendix A to § 327.30, paragraph 3. Permit Revocation)

1. This permit is granted solely to the applicant for the purpose described on the attached permit.
2. The permittee agrees to and does hereby release and agree to save and hold the Government harmless from any and all causes of action, suits at law or equity, or claims or demands or from any liability of any nature whatsoever for or on account of any damages to persons or property, including a permitted facility, growing out of the ownership, construction, operation or maintenance by the permittee of the permitted facilities and/or activities.
3. Ownership, construction, operation, use and maintenance of a permitted facility are subject to the Government's navigation servitude.
4. No attempt shall be made by the permittee to forbid the full and free use by the public of all public waters and/or lands at or adjacent to the permitted facility or to unreasonably interfere with any authorized project purposes, including navigation in connection with the ownership, construction, operation or maintenance of a permitted facility and/or activity.
5. The permittee agrees that if subsequent operations by the Government require an alteration in the location of a permitted facility and/or activity or if in the opinion of the district commander a permitted facility and/or activity shall cause unreasonable obstruction to navigation or that the public interest so requires, the permittee shall be required, upon written notice from the district commander to remove, alter, or relocate the permitted facility, without expense to the Government.
6. The Government shall in no case be liable for any damage or injury to a permitted facility which may be caused by or result from subsequent operations undertaken by the Government for the improvement of navigation or for other lawful purposes, and no claims or right to compensation shall accrue from any such damage. This includes any damage that may occur to private property if a facility is removed for noncompliance with the conditions of the permit.
7. Ownership, construction, operation, use and maintenance of a permitted facility and/or activity are subject to all applicable Federal, state and local laws and regulations. Failure to abide by these applicable laws and regulations may be cause for revocation of the permit.
8. This permit does not convey any property rights either in real estate or material; and does not authorize any injury to private property or invasion of private rights or any infringement of Federal, state or local laws or regulations, nor does it obviate the necessity of obtaining state or local assent required by law for the construction, operation, use or maintenance of a permitted facility and/or activity.
9. The permittee agrees to construct the facility within the time limit agreed to on the permit issuance date. The permit shall become null and void if construction is not completed within that period. Further, the permittee agrees to operate and maintain any permitted facility and/or activity in a manner so as to provide safety, minimize any adverse impact on fish and wildlife habitat, natural, environmental, or cultural resources values and in a manner so as to minimize the degradation of water quality.
10. The permittee shall remove a permitted facility within 30 days, at his/her expense, and restore the waterway and lands to a condition accepted by the resource manager upon termination or revocation of this permit or if the permittee ceases to use, operate or maintain a permitted facility and/or activity. If the permittee fails to comply to the satisfaction of the resource manager, the district commander may remove the facility by contract or otherwise and the permittee agrees to pay all costs incurred thereof.
11. The use of a permitted boat dock facility shall be limited to the mooring of the permittee's vessel or watercraft and the storage, in enclosed locker facilities, of his/her gear essential to the operation of such vessel or watercraft.
12. Neither a permitted facility nor any houseboat, cabin cruiser, or other vessel moored thereto shall be used as a place of habitation or as a full or part-time residence or in any manner which gives the appearance of converting the public property, on which the facility is located, to private use.
13. Facilities granted under this permit will not be leased, rented, sub-let or provided to others by any means of engaging in commercial activity(s) by the permittee or his/her agent for monetary gain. This does not preclude the permittee from selling total ownership to the facility.
14. Floats and the flotation material for all docks and boat mooring buoys shall be fabricated of materials manufactured for marine use. The float and its flotation material shall be 100% warranted for a minimum of 8 years against sinking, becoming waterlogged, cracking, peeling, fragmenting, or losing beads. All floats shall resist puncture and penetration and shall not be subject to damage by animals under normal conditions for the area. All floats and the flotation material used in them shall be fire resistant. Any float which is within 40 feet of a line carrying fuel shall be 100% impervious to water and fuel. The use of new or recycled plastic or metal drums or non-compartmentalized air containers for encasement of floats is prohibited. Existing floats are authorized until it or its flotation material is no longer serviceable, at which time it shall be replaced with a float that meets the conditions listed above. For any floats installed after the effective date of this specification, repair or replacement shall be required when it or its flotation material no longer performs its designated function or it fails to meet the specifications for which it was originally warranted.
15. Permitted facilities and activities are subject to periodic inspection by authorized Corps representatives. The resource manager will notify the permittee of any deficiencies and together establish a schedule for their correction. No deviation or changes from approved plans will be allowed without prior written approval of the resource manager.
16. Floating facilities shall be securely attached to the shore in accordance with the approved plans by means of moorings which do not obstruct general public use of the shoreline or adversely affect the natural terrain or vegetation. Anchoring to vegetation is prohibited.
17. The permit display tag shall be posted on the permitted facility and/or on the land areas covered by the permit so that it can be visually checked with ease in accordance with instructions provided by the resource manager.
18. No vegetation other than that prescribed in the permit will be damaged, destroyed or removed. No vegetation of any kind will be planted, other than that specifically prescribed in the permit.



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

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

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

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

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

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

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

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

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

ii. In accordance with Appendix A to § 327.30—Guidelines for Granting Shoreline Use Permits, 2. Applications for Shoreline Use Permits, paragraph c.(9), the District Commander has placed the following Special Conditions on this permit:

28. The permittee agrees to complete the construction and installation of the facility within 1 year of the permit/license issue date, or by the deadline stated in the Additional Special Conditions of the permit which shall take precedence. The permittee of a community dock agrees to construct/install the facility (facilities) within the time limit agreed to on the permit issue date, as stated in the Additional Special Conditions.

29. The effective date stated in Condition 14 shall be July 1, 19

30. Permitted facilities are directly linked to a specific tract/parcel of adjacent private property (or a private existing permitted facility in a leased area) which met the requisites under the Shoreline Management Plan. Permitted facilities cannot be relocated from these authorized (linked) locations to different locations on the subject lake without prior approval of the Operations Manager.

31. Failure of the original owner and/or new owner to notify the Project Office when the ownership of permitted facilities/activities is sold or transferred does not negate the responsibility for payment of applicable fees during the period the facilities/activities should have been covered by a permit. When permits are not issued in a timely manner following a change of ownership, the start date for the permit will be backdated to the effective date of the sale or other transfer of ownership and all applicable fees will be collected for the period. The permit expiration date will be five years from the effective start date.

32. Diving boards, platforms, or similar structures are prohibited. Suspended boat hoists are prohibited without the expressed written authorization of the Operations Project Manager.

33. All electrical utilities must meet or exceed the National Electric Code standards for Wet Locations, Marinas and Boatyards (Article 555) and any additional U.S. Army Corps of Engineers requirements. All electrical utilities must be certified by a licensed electrician at installation and periodically thereafter as required by Additional Special Conditions or as specified in the Shoreline Management Plan.

34. All activities/facilities must conform to authorization shown in attached Exhibits and the policies of the project Shoreline Management Plan. A copy of the Shoreline Management Plan is available at the Operations Project Manager's Office.

35. Activities and facilities not expressly authorized by any attached Exhibits, Specified Act Permits, or by CFR Title 36 are prohibited.

36. "Additional Special Conditions" specific to this permit may also apply. Please refer to the Exhibits referenced below.

Exhibit	Description



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 U.S. Army Corps of Engineers 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.

License No. _____
Permit No. _____

DEPARTMENT OF THE ARMY LICENSE
West Point Lake
West Point, Troup County, GA

THE SECRETARY OF THE ARMY (hereinafter the "Secretary"), under authority of the general administrative authority of the Secretary, hereby grants to _____ on Tract: _____ (hereinafter the "grantee"), a license for Shoreline Use, over, across, in and upon lands of the United States, as identified on EXHIBIT "A", attached hereto and made a part hereof (hereinafter the "premises").

THIS LICENSE is granted subject to the following conditions.

1. TERM

This license is granted for a term of 5 years, beginning _____ and ending _____, but revocable at will by the Secretary.

2. CONSIDERATION

The grantee shall pay in advance to the United States the amount of _____ in full for the term hereof, payable to the order of the Finance and Accounting Officer, Mobile District and delivered to West Point Lake / 500 Resource Management Dr, West Point, Troup County, GA 31833.

3. ADMINISTRATIVE FEE

The grantee shall pay in advance to the United States an administrative fee in the amount of _____ in full for the term hereof, payable to the order of the Finance and Accounting Officer, Mobile District and delivered to West Point Lake / 500 Resource Management Dr, West Point, Troup County, GA 31833.

4. NOTICES

All correspondence and notices to be given pursuant to this license shall be addressed, if to the grantee, to _____; and if to the United States, to the District Engineer, Attention: Real Estate Contracting Officer, West Point Lake, 500 Resource Management Dr, West Point, Troup County, GA 31833; or as may from time to time otherwise be directed by the parties. Notice shall be deemed to have been duly given if and when enclosed in a properly sealed envelope or wrapper, addressed as aforesaid; and received at this address via hand-delivery or with postage prepaid and received via mail, including by the United States Postal Service or a commercial carrier.

5. AUTHORIZED REPRESENTATIVES

Except as otherwise specifically provided, any reference herein to "Secretary", "District Engineer", or "said officer" shall include their duly authorized representatives. Any reference to "grantee" shall include any duly authorized representatives. Any reference to "Operations Manager" shall be interpreted to be the Corps of Engineers Operations Manager, West Point Lake, GA, and include his/her duly authorized representatives.

6. SUPERVISION BY THE REAL ESTATE CONTRACTING OFFICER

The use and occupancy of the premises shall be subject to the general supervision and approval of the Real Estate Contracting Officer (hereinafter "said officer"), and subject to such rules and regulations as may be prescribed from time to time by said officer.

7. APPLICABLE LAWS AND REGULATIONS

The grantee shall comply with all applicable Federal, state, county and municipal laws, ordinances and regulations wherein the premises are located.

8. AUTHORIZED USES

Specific construction guidelines are identified in the West Point Lake Shoreline Management Plan dated _____ and will be followed without deviation. Receipt of a hard copy of this Shoreline Management Plan or electronic copy that the licensee agrees to obtain via the provided internet address is acknowledged. This license authorizes the following activities and/or placement of the following facilities on public land:

- _____
- _____
- _____
- _____

9. CONDITIONAL USE BY GRANTEE

This license does not convey any property rights and does not negate the need to comply with any applicable legal requirement to obtain any state or local approvals (e.g., permits) for the construction, operation, use and/or maintenance of the authorized activities and/or facilities set forth in Condition 8. The exercise of the privileges herein granted shall be:

- a. without cost or expense to the United States;
- b. subject to the right of the United States to improve, use, or maintain the premises;
- c. subject to other outgrants of the United States on the premises; and
- d. personal to the grantee, and this license, or any interest therein, may not be transferred or assigned.

10. CONDITION OF PREMISES

The grantee acknowledges that it has inspected the premises, knows its condition, and understands that the same is granted without any representations or warranties whatsoever and without any obligation on the part of the United States.

11. PROTECTION OF PROPERTY

The grantee shall keep the premises in good order and in a clean, safe condition by and at the expense of the grantee. The grantee shall be responsible for any damage that may be caused to the property of the United States by the activities of the grantee under this license, and shall exercise due diligence in the protection of all property located on the premises against fire or damage from any and all other causes. Any property of the United States that is damaged or destroyed by the grantee incident to the exercise of the privileges herein granted shall be promptly repaired or replaced by the grantee to a condition satisfactory to said officer, or at the election of said officer, reimbursement made therefore by the grantee in an amount necessary to restore or replace the property to a condition satisfactory to said officer.

12. INDEMNITY

The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incidental to the exercise of the privileges herein granted, or for damages to the property of the grantee, or for damages to the property or injuries to the person of the grantee's officers, agents, or employees or others who may be on the premises at their invitation or the invitation of any one of them, and the grantee shall hold the United States harmless from any and all such claims, not including damages due to the fault or negligence of the United States or its contractors.



License No. _____
Permit No. _____

13. RESTORATION

On or before the expiration of this license or its termination by the grantee, the grantee shall vacate the premises, remove the property of the grantee, and restore the premises to a condition satisfactory to said officer. If, however, this license is revoked or terminated by the Secretary, the grantee, and restore the premises to a condition satisfactory to said officer. If, however, this license is revoked or terminated by the Secretary, the may designate. In either event, if the grantee shall fail or neglect to remove said property and restore the premises, then, at the option of said officer, the property shall either become the property of the United States without compensation therefor, or said officer may cause the property to be removed and no claim for damages against the United States or its officers or agents shall be created by or made on account of such removal and restoration work. The grantee shall also pay the United States on demand any sum which may be expended by the United States after the expiration, revocation, or termination of this license in restoring the premises.

14. PROHIBITION ON INHIBITING ACCESS

The grantee shall not take any action that inhibits any member of the public from full and free use of all navigable waters and/or public lands that are at or adjacent to the authorized activity(ies) and/or facility(ies), which are specified in Condition 8.

15. TERMINATION

The grantee may terminate this license at any time by giving the District Engineer at least ten (10) days written notice, provided that no refund by the United States of any consideration and/or administrative fee previously paid shall be made.

The Secretary may revoke this license for cause or terminate this license at will.

16. ENVIRONMENTAL PROTECTION

a. Within the limits of their respective legal powers, the parties to this license shall protect the premises against pollution of its air, ground and water. The grantee shall comply with any laws, regulations, conditions, or instructions affecting the activity(ies) and/or facility(ies) hereby authorized if and when issued by the Environmental Protection Agency, or any Federal, state, interstate or local governmental agency having jurisdiction to abate or prevent pollution. The disposal of any toxic or hazardous substances within the premises is specifically prohibited. Such regulations, conditions, or instructions in effect or prescribed by the Environmental Protection Agency or any Federal, state, interstate or local governmental agency are hereby made a condition of this license. The grantee shall not discharge waste or effluent from the premises in such a manner that the discharge will contaminate the premises, streams or other bodies of water, or otherwise become a public nuisance.

b. The grantee will use all reasonable means available to protect the environment and natural resources, and where damage nonetheless occurs from the grantee's activities, the grantee shall be liable to restore the damaged resources.

c. The grantee must obtain approval in writing from said officer before any pesticides or herbicides are applied to the premises.

17. HISTORIC PRESERVATION

The grantee shall not remove or disturb, or cause or allow to be removed or disturbed, any historical, archaeological, architectural or other cultural artifacts, relics, remains or objects of antiquity. In the event such items are discovered on the premises, the grantee shall immediately notify said officer and protect the site and the material from further disturbance until said officer gives clearance to proceed.

18. DISCLAIMER

This license is effective only insofar as the rights of the United States in the premises are concerned; and the grantee shall obtain any permit or license which may be required by Federal, state, or local law in connection with the use of the premises. It is understood that the granting of this license does not preclude the necessity of obtaining a Department of the Army permit for activities which involve the discharge of dredge or fill material or the placement of fixed structures in the waters of the United States, pursuant to the provisions of Section 10 of the Rivers and Harbors Act of 3 March 1899 (33 U.S.C. § 403), and Section 404 of the Clean Water Act (33 U.S.C. § 1344).

19. APPLICABILITY OF EXECUTIVE ORDER 13658

This license is issued to a private party to authorize the activities and/or placement of the facilities on public land as specified in Condition 8 and is not subject to Executive Order 13658, "Establishing a Minimum Wage for Contractors," or the implementing regulations issued by the Secretary of Labor in 29 C.F.R. Part 10.

If a duly authorized representative of the United States determines, whether before or subsequent to the granting of this license, that Executive Order 13658 is applicable to this license, the licensee agrees, to the extent permitted by law, to indemnify and hold harmless the United States, its officers, agents, and employees, for and from any and all liabilities, losses, claims, expenses, suits, fines, penalties, judgments, demands or actions, costs, fees, and damages directly or indirectly arising out of, caused by, related to, resulting from, or in any way predicated upon, in whole or in part, the erroneous Executive Order 13658 determination.

20. FEDERAL FUNDS

This license does not obligate the Secretary to expend any appropriated funds. Nothing in this license is intended or should be interpreted to require any obligation or expenditure of funds in violation of the Anti-Deficiency Act (31 U.S.C. § 1341).

THIS LICENSE is not subject to 10 U.S.C. § 2662, as amended.

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

Real Estate Contracting Officer
Mobile District

THIS LICENSE is executed by the grantee this _____ day of _____.

Note: Grantee must **sign and date** prior to RECO signature.

SIGNATURE

GRANTEE PRINTED NAME

CERTIFICATE OF AUTHORITY

I, _____, certify that I am the _____

(Name) (Secretary or Attesting Officer)

of the _____, named as grantee/lessee/licensee herein;

(Agency Name)

that _____, who signed this Agreement on behalf

(Officer Name)

of said _____, was then _____

(Agency Name) (Officer Title)

of the Agency; and that said Agreement was duly signed for and on behalf of

the _____ by authority of its governing body and is

(Agency Name)

within the scope of its statutory powers.

Signed, _____

Secretary or Attesting Officer

(The person that signed the attached instrument cannot sign Certificate)

This form certifies that the person signing the attached instrument has the authority to do so. The signature of the Secretary/Attesting Officer and the Individual signing the attached instrument cannot be the same.

CORPORATE CERTIFICATE

I, _____, certify that I am the _____
(Name) (Secretary or Attesting Officer)
of the _____, named as grantee/lessee/licensee herein;
(Corporation Name)
that _____, who signed this Agreement on behalf
(Officer Name)
of said _____, was then _____
(Corporation Name) (Officer Title)
of the Corporation; and that said Agreement was duly signed for and on behalf of
the _____ by authority of its governing body and is
(Corporation Name)
within the scope of its corporate powers.

Signed, _____
Secretary or Attesting Officer

(The person that signed the attached instrument cannot sign Certificate)
(AFFIX CORPORATE SEAL)

This form certifies that the person signing the attached instrument has the authority to do so. The signature of the Secretary/Attesting Officer and the Individual signing the attached instrument cannot be the same.



PARTNERSHIP CERTIFICATE

I, _____, certify that I am the General Partner
(Name of Partner - 1)

in the Partnership named as Grantee in the attached outgrant, I certify further that

_____, who signed said outgrant on behalf of the
(Name of Partner - 2)

Partnership, is also a General Partner and has the authority to bind the Partnership by virtue of the powers vested in him/her in the Partnership agreement.

PARTNER'S NAME

(The Partner that signed attached instrument cannot sign Certificate)

This form certifies that the person signing the attached instrument has the authority to do so. The signature of the Partner signing this form and the Partner signing the attached instrument cannot be the same.



New Permits and Reassignments

- 1 Pre-purchase Courtesy Inspection (this service is for prospective buyers only)
 - Make sure you know the subdivision name and lot number you want to buy.
 - If the property is not in a developed subdivision, be prepared to furnish information (such as a plat or legal description) which can be used to determine the lot location.
 - Ensure that the corners of the lot are clearly marked.
 - Call or write the staff at the West Point Lake Project Management Office to request a courtesy inspection.

A ranger will check the allocation of the public property adjoining the lot and advise you as to the facilities/activities which may be permitted. Conditions are subject to change, and this inspection does not constitute a guarantee.

- 2 After you Own the Property
 - Set up an appointment with the area ranger by calling (706) 645-2937.
 - If facilities already exist, either apply for permit reassignment (that is, to issue a new permit to a new owner for previously permitted items upon sale or transfer of the adjoining private property) within 14 days from the date of ownership transfer or remove the facilities and restore the area to its natural condition within 30 days from the date of ownership transfer.

- 3 Appointment with a Ranger on your Property

The ranger will assist you in completing a preliminary package.

- Bring a copy of your deed and plat for the ranger to keep.
 - Provide the name and address of a secondary contact (different household) in case we cannot contact you.
 - Furnish plans for any facilities to be placed on public property. If your plans are not available at the initial appointment, you may mail them to the West Point Project Management Office.
- 4 Permit Package
 - Information gathered at the appointment will be used to develop the permit package.
 - You will receive a billing letter for the fee required and a copy of the permit application. Depending upon the facilities requested, you may also receive certification forms or other items to complete.
 - Return the completed forms to the Project Management Office with your payment.

Reissuance of Permits

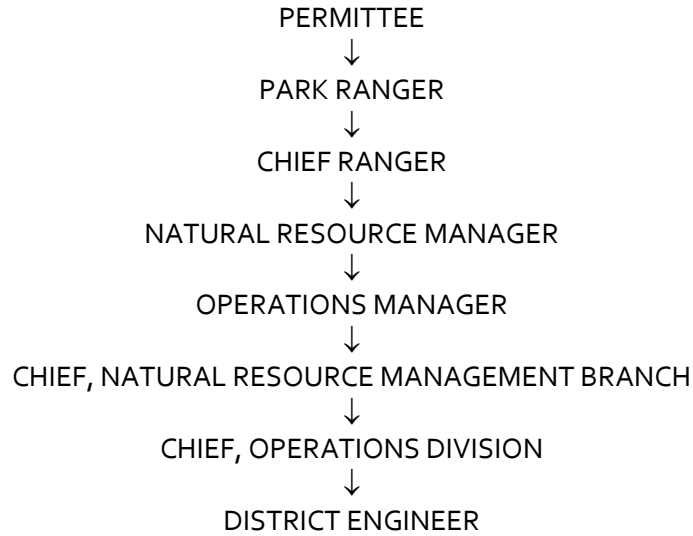
This section defines the steps required to renew and extend a permit to the permittee upon its expiration.

- 1 A field inspection is conducted of the activities/facilities authorized by the permit/license.
- 2 If all activities/facilities are in compliance with the conditions of the permit, the necessary forms are mailed to the permittee to reissue the permit for another five-year period.
- 3 If the activities/facilities are found to be deficient, a notice of correction is mailed. The permittee must bring the facilities/activities into compliance before the permit/license is issued. If corrections are not made, the permit will not be reissued, and the permittee may be requested to remove the facilities.



Exhibit VI—Communication Model for Shoreline Management

Any questions or need for information relating to a permit/license should first be directed to the area ranger. The following model shows the communication chain if the area ranger is unable to provide the information or cannot resolve a problem.



Project Management Office
West Point Project
500 Resource Management Drive
West Point, GA 31833-9517

(706) 645-2937

Exhibit VII—Private Individual Floating Facility/Shelter Measurements

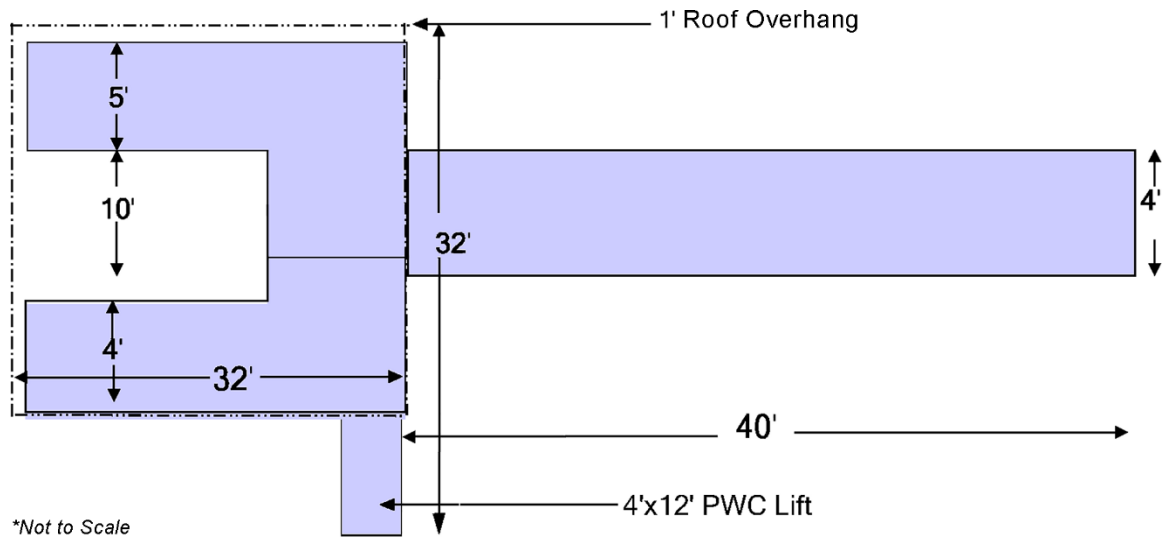
Private individual floating facility/shelter measurements are made to include any roof overhangs or appurtenant personal watercraft (PWC) lifts. No new floating facility/shelter may exceed 32' on any one side.

Total Floating Platform Area

Formula: $(Width \times Length) + (Width\ pwc \times Length\ pwc) = Area\ of\ Floating\ Facility$

Therefore, the total square footage of the floating facility illustrated below is 688 ft²:

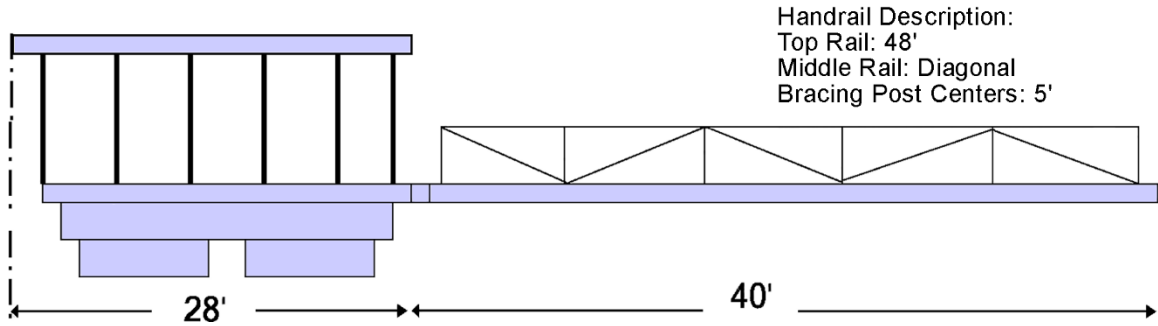
$$(32' \times [1' + 5' + 10' + 4']) + (4' \times 12') = 640\ \text{ft}^2 + 48\ \text{ft}^2 = 688\ \text{ft}^2$$



Total Floating Facility Length

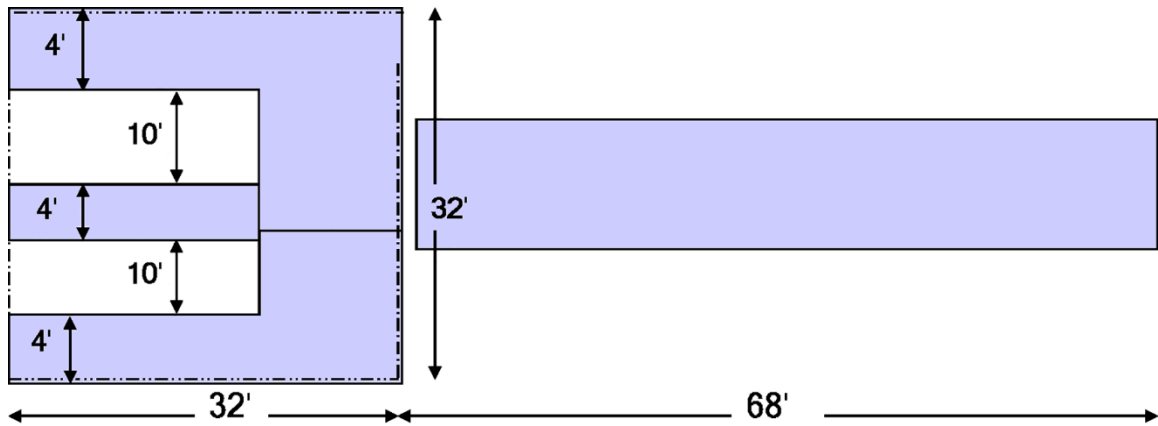
Formula: Length of Walkway + Length of Floating Facility = Total Length

Therefore, the total length of the floating facility illustrated below is 68': $40' + 28' = 68'$



Maximum Measurements

The floating facility illustrated below is at the maximum square footage and maximum length allowed—1024 ft² (32' x 32') and 100' long. There is no roof overhang. Due to the maximum size, no additional items may be added to the exterior of the floating facility, such as PWC lifts and/or boat lifts. Any type of watercraft docking device must be installed within the slips of the floating facility.



The floating facility illustrated below shows a minimum side length of 10'. Minimum square footage allowable is 144 ft².

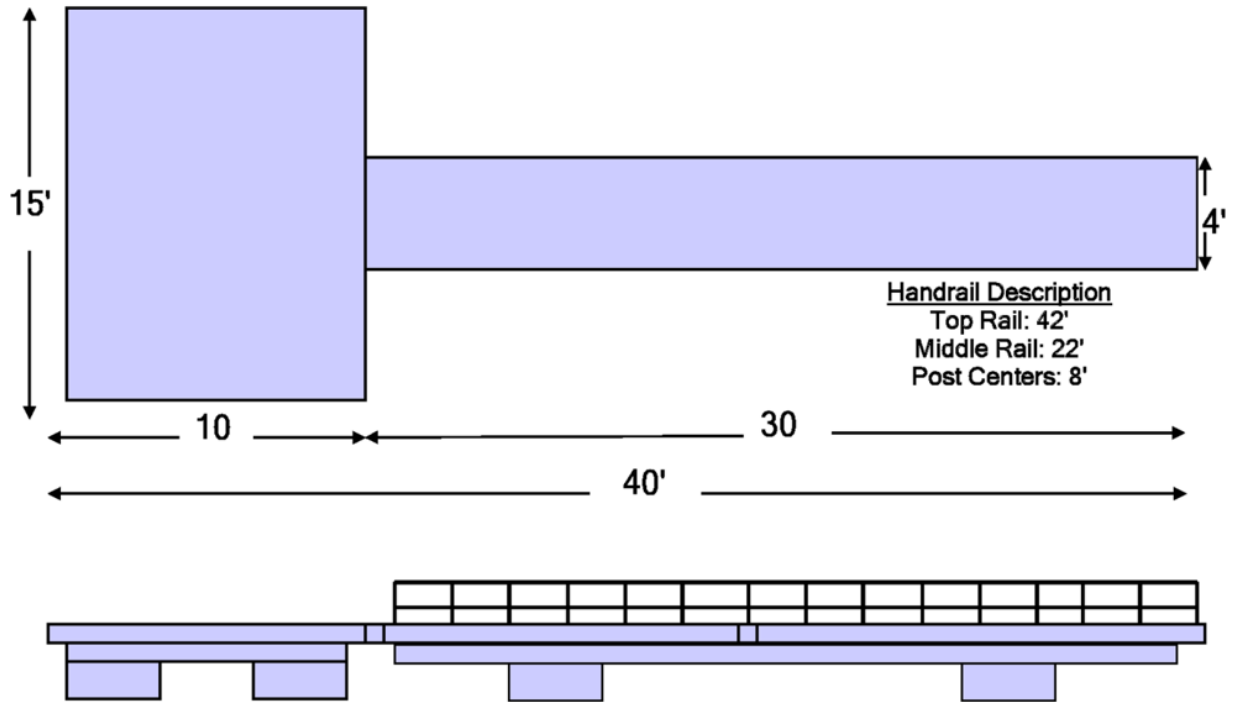
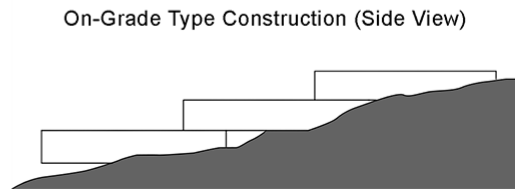
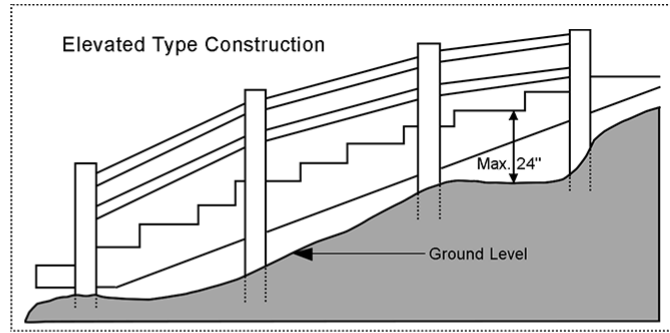
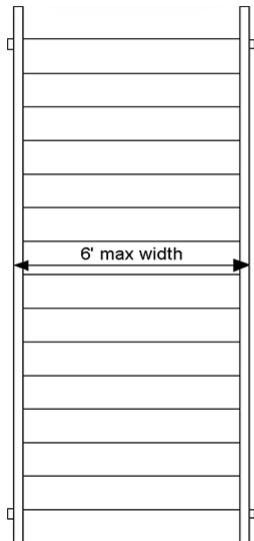
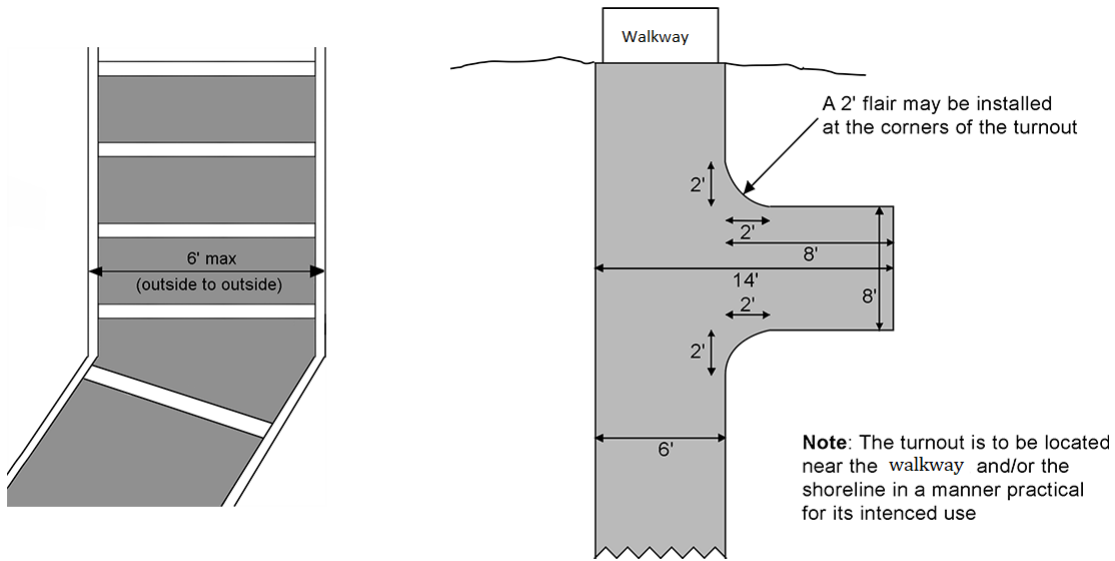


Exhibit VIII—Improved Walkway Certification Specifications and Agreement



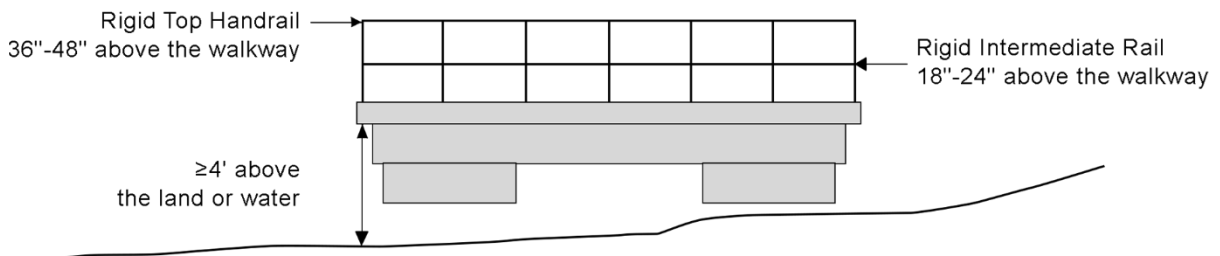
I certify that I received a copy of the Shoreline Management Plan, explaining the parameters/policy concerning improved walkways. I understand the sketches shown below are examples outlining the maximum width (6' from outside border to outside border) that applies to improved walkways. I understand the 8' width dimension applies only to the turnout portion of a cart path as shown and that cart paths must be on grade. I understand that loop-type turnarounds are not authorized. I understand the approval of my improved walkway is subject to compliance with the West Point Project Shoreline Management Plan.

Permittee Signature _____ Date _____ Permit No. _____

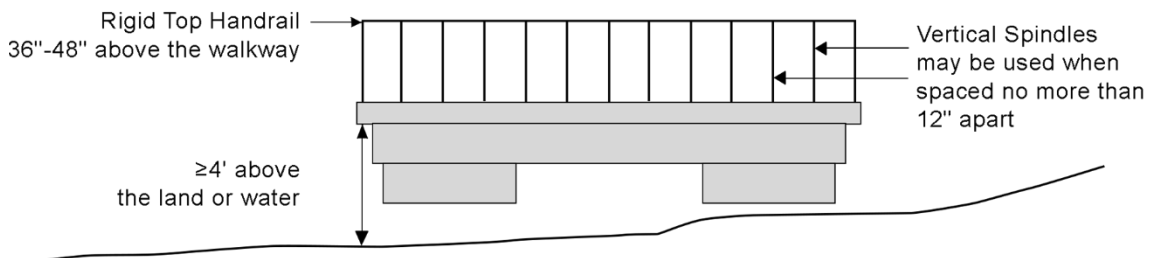
Exhibit IX—Handrail Designs

If any portion of a walkway is 4' or greater in height above land or water at any time, rigid-type safety handrails are required on each side for the entire length of that walkway component. Handrails must be 36"-48" in height with a rigid intermediate rail at 18"-24". Vertical spindles may be used in place of the intermediate rail if they are no more than 12" apart. Arched walkway diagonal bracing may be used in place of the intermediate rail if it extends from the top rail to the walkway surface between each vertical post.

Intermediate Rail Design



Vertical Spindle Design



Diagonal Bracing Design

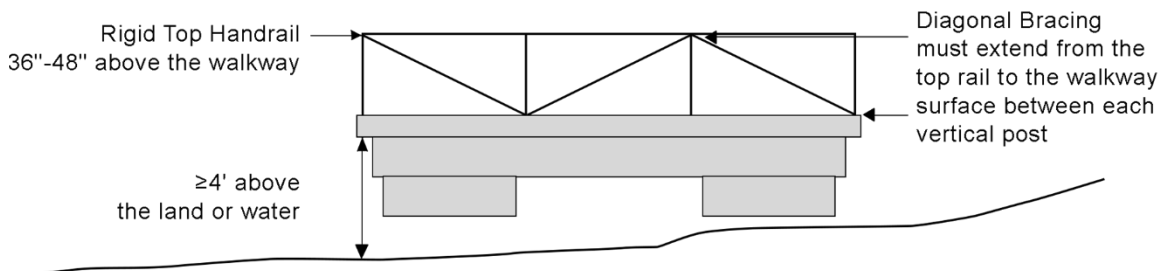
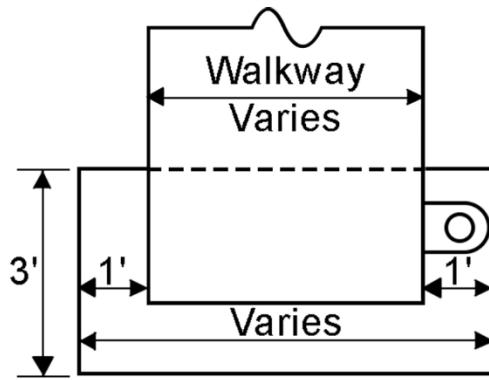
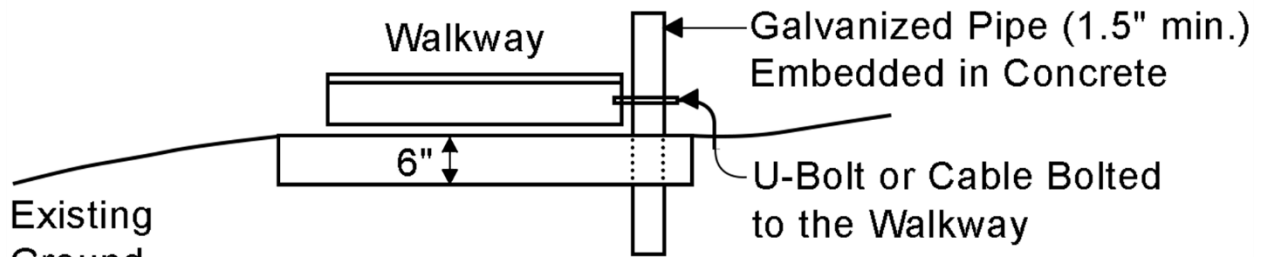


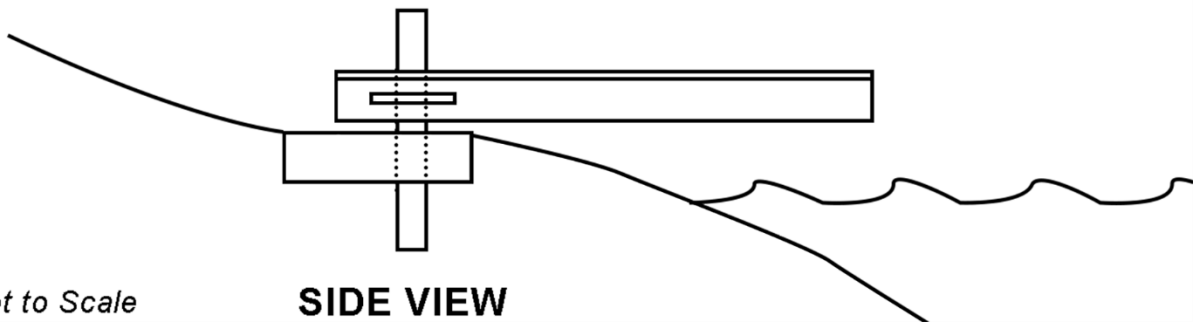
Exhibit X—Concrete Anchor Pad



TOP VIEW



END VIEW



SIDE VIEW

**Not to Scale*

Exhibit XI—Community Dock Agreement (Example)

DATE: _____

TO: _____ ADDRESS: _____

LOCATION: _____

PERMIT NO: _____ EXPIRES: _____

I, _____, have been appointed designated agent to act on behalf of _____ (*incorporated club or home owners association*).

I, _____, have been appointed designated agent to act on behalf of members of the community dock.

I understand that Permit No. _____ is issued for a community dock. As Designated Representative, I agree that issuance of the permit is dependent upon the following conditions:

- a Users of community docks must own an undivided interest proportionate to use in the dock, and each member will be obligated to bear a proportional share of construction, maintenance, and upkeep expenses. Community dock members are encouraged to form a legal association.
- b All slips in a community dock must be assigned to individual lots within the adjacent development as part of the permitting process. These slip assignments will remain with the lot even upon transfer of ownership of the lot to which the slip is assigned. Individuals may not hold interest in more than one dock slip in one or more community docks. These slip assignments will be provided to the Project Management Office at the time of permit application and verified as accurate during permit renewal.
- c No boats or slips may be rented at community docks, and guests may not moor their boats at community docks except for temporary use, not to exceed the length of stay of the guest. No commercial activities will be permitted on the dock or on public lands adjacent to it.
- d A permit for a community dock does not give the members any exclusive rights with regard to the use of public lands for access, parking, or utilities to serve the dock nor to remove vegetation or trees, to construct breakwaters to protect the dock from wave damage, or to install buoys to restrict speeds of passing boats.
- e The permit will be reassigned with the permission of the Resource Manager.
- f The shoreline adjacent to a community dock will be kept clean by dock members and maintained free of litter and debris, including building materials.
- g It is the responsibility of all community dock members to provide for the general safety of other members and/or guests on and around the community dock.
- h Members of the community dock, their guests, and others shall save and hold the US Government and its authorized representatives harmless from all claims for damages.

- i Community dock members must not discriminate against any person or persons because of race, religion, color, creed, or national origin in conduct of operations on premises. Community dock members must allow other applicants to add on to the dock, if natural physical conditions permit, provided the maximum number of 10 slips is not exceeded.
- j The community dock must be constructed in accordance with the West Point Lake Shoreline Management Plan. Enclosed docks or slips are not permitted. The facility must be designed as a whole, but individual units may be built as needed and authorized by modification of the permit. The Designated Representative, on behalf of the community, may request expansion of the community dock. However, no expansion or alteration may be accomplished until detailed plans and specifications have been approved by the Resource Manager.
- k All conditions of the West Point Lake Shoreline Management Plan must be adhered to.

I agree to discuss the above conditions with all members of the community dock association and act as Designated Representative until such time as another agent is appointed. Such appointment must be furnished in writing and approved by the Resource Manager. As agent, I will ensure that the above conditions are adhered to and that the community dock facility is maintained in a safe, structurally sound, and attractive manner at all times. I understand that I may be required to appear before a US Magistrate for noncompliance with terms and conditions of this permit.

_____ (SEAL)

_____ DATE

 Resource Manager
 West Point Lake

_____ Property Owners Association
Community Flotation Facility
Permit/License _____

Lot numbers assigned to the facility:

Slip #1: _____

Slip #2: _____

Slip #3: _____

Slip #4: _____

Slip #5: _____

Slip #6: _____

Slip #7: _____

Slip #8: _____

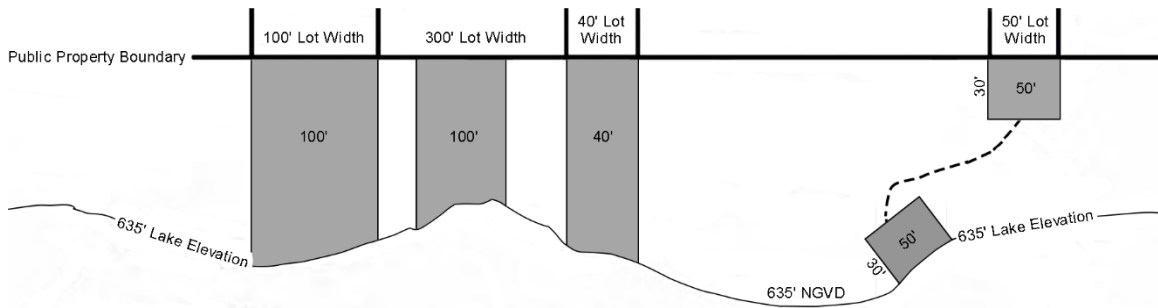
Slip #9: _____

Slip #10: _____

Exhibit XII—Underbrushing and Walkway Conditions

Conditions for Limited, Minor Underbrushing on West Point Lake

Underbrushing permits are limited to a maximum strip 100' in width, extending from the Government property line to the shoreline (635' NGVD). If the width of the adjacent property is less than 100', the width of the allowable underbrushing is reduced at the common boundary accordingly.



Conditions:

- 1 The permittee may cut and remove only undesirable trees and underbrush 3" or less in diameter at ground level, leaving trees no more than 10' apart (10x10 spacing).
- 2 The permittee may not cut a tree or trees larger than 3" in diameter at ground level unless approved and marked by a ranger. Dead trees must also be approved and marked by a ranger before removal.
- 3 The permittee may not cut or remove any native ornamental plants or trees (such as dogwoods, magnolias, and azaleas) regardless of spacing, unless specifically authorized and marked by a ranger.
- 4 The permittee may prune low limbs on large trees from the ground up to a height of 10' or $\frac{1}{3}$ the height of the tree, whichever is less. Limbs must be trimmed close to the trunk.
- 5 The permittee may use only hand tools (power or manual). No equipment larger than small riding mowers may be used. Mowers may not be used on slopes where the removal of grass and leaf mulch will contribute to soil erosion. No heavy equipment may be left or operated on public land. When questions arise about a specific kind of equipment, the permittee should contact a ranger.
- 6 The permittee may not use herbicides, insecticides, or any kind of biological control chemicals on public land. If unusual conditions exist, such as a kudzu infestation, the permittee should contact the Resource Management Office to determine if a Specified Acts Permit (SAP) may be obtained.
- 7 The permittee may pile and burn underbrush authorized for cutting by this permit. If underbrush is burned on public property, all burning must take place below the 635' NGVD elevation. All burning must comply with state regulations; the permittee must contact the

County office of the State forestry commission prior to burning and get permission to burn. No controlled or prescribed burning is permitted.

- 8 The permittee may plant up to four native trees or shrubs (for example, dogwood, redbud, or wax myrtle) without prior approval, provided they are located in a random fashion and do not displace existing vegetation. Larger-scale projects require prior approval of a planting plan.

Conditions for Grandfathered Limited, Minor Underbrushing on West Point Lake

Underbrushing permits are limited to the area identified on the Shoreline Use Permit Site Sheet Plan and in the Special Conditions portion of the Shoreline Use Permit form SAO 3185-R. Underbrushing is permitted under these guidelines until the adjacent private property fronting the underbrushing area is sold or changes ownership.

Conditions:

- 1 The permittee may cut and remove only undesirable trees and underbrush 3" or less in diameter at ground level, leaving trees no more than 10' apart (10x10 spacing).
- 2 The permittee may not cut a tree or trees larger than 3" in diameter at ground level unless approved and marked by a ranger. Dead trees must also be approved and marked by a ranger before removal.
- 3 The permittee may not cut or remove any native ornamental plants or trees (such as dogwoods, magnolias, and azaleas) regardless of spacing, unless specifically authorized and marked by a ranger.
- 4 The permittee may prune low limbs on large trees from the ground up to a height of 10' or $\frac{1}{3}$ the height of the tree, whichever is less. Limbs must be trimmed close to the trunk.
- 5 The permittee may use only hand tools (power or manual). No equipment larger than small riding mowers may be used. Mowers may not be used on slopes where the removal of grass and leaf mulch will contribute to soil erosion. No heavy equipment may be left or operated on public land. When questions arise about a specific kind of equipment, the permittee should contact a ranger.
- 6 The permittee may not use herbicides, insecticides, or any kind of biological control chemicals on public land. If unusual conditions exist, such as a kudzu infestation, the permittee should contact the Resource Management Office to determine if a Specified Acts Permit (SAP) may be obtained.
- 7 The permittee may pile and burn underbrush authorized for cutting by this permit. If underbrush is burned on public property, all burning must take place below the 635' NGVD elevation. All burning must comply with State regulations; the permittee must contact the County office of the State forestry commission prior to burning and get permission to burn. No controlled or prescribed burning is permitted.



- 8 The permittee may plant up to 4 native trees or shrubs (such as dogwood, redbud, or wax myrtle) without prior approval, provided they are located in a random fashion and do not displace existing vegetation. Larger-scale projects require prior approval of a planting plan.

Conditions for a Five-Foot-Wide Meandering Pathway on West Point Lake

Permits for vegetation removal on shoreline allocated as Protected Shoreline Areas are limited to a 5'-wide meandering pathway extending from the public property line to the shoreline. No underbrushing or other vegetative removal is permitted in these areas.

Conditions:

- 1 The 5'-wide pathway must meander (twist, turn, wander, wind, ramble), following the contour or the lay of the land as closely as possible.
- 2 The permittee may cut and remove only undesirable trees and underbrush 3" or less in diameter at ground level within the bounds of the 5'-wide pathway.
- 3 The permittee may not cut a tree or trees larger than 3" in diameter at ground level unless approved and marked by a ranger. Dead trees must also be approved and marked by a ranger before removal.
- 4 The permittee may not cut or remove any native ornamental plants or trees (such as dogwoods, magnolias, and azaleas) unless specifically authorized and marked by a ranger.
- 5 The permittee may prune low limbs on large trees from the ground up to a height of 10' or $\frac{1}{3}$ the height of the tree, whichever is less, if the limbs hang over the 5'-wide pathway. Limbs must be trimmed close to the trunk.
- 6 The permittee may use only hand tools (power or manual). No equipment larger than small riding mowers may be used. Mowers may not be used on slopes where the removal of grass and leaf mulch will contribute to soil erosion. No heavy equipment may be left or operated on public land. When questions arise about a specific kind of equipment, the permittee should contact a ranger.
- 7 The permittee may not use herbicides, insecticides, or any kind of biological control chemicals on public land. If unusual conditions exist, such as a kudzu infestation, the permittee should contact the Resource Management Office to determine if a Specified Acts Permit (SAP) may be obtained.
- 8 The permittee may pile and burn underbrush authorized for cutting by this permit. If underbrush is burned on public property, all burning must take place below the 635' NGVD elevation. All burning must comply with State regulations; the permittee must contact the County office of the State forestry commission prior to burning and get permission to burn. No controlled or prescribed burning is permitted.
- 9 The permittee may plant up to 4 native trees or shrubs (such dogwood, redbud, or wax myrtle) without prior approval, provided they are located in a random fashion and do not displace existing vegetation. Larger-scale projects require prior approval of a planting plan.

Exhibit XIII—West Point Lake Native Plant List

Native Trees

*Denotes value for wildlife

Latin Name	Common Name
<i>Acer barbatum</i>	*Florida Maple
<i>Acer negundo</i>	Box Elder
<i>Acer rubrum</i>	*Red Maple
<i>Betula nigra</i>	*River Birch
<i>Carpinus caroliniana</i>	*American Hornbeam
<i>Carya cordiformis</i>	*Bitternut Hickory
<i>Carya glabra</i>	Pignut Hickory
<i>Carya ovata</i>	*Shagbark Hickory
<i>Carya pillada</i>	*Sand Hickory
<i>Carya tomentosa</i>	*Mockernut Hickory
<i>Castanea pumila</i>	*Allegheny Chinkapin
<i>Celtis laevigata</i>	*Sugarberry
<i>Cercis canadensis</i>	Eastern Redbud
<i>Cornus florida</i>	*Flowering Dogwood
<i>Crataegus spp.</i>	*Hawthorne
<i>Diospyros virginiana</i>	*Persimmon
<i>Fagus grandifolia</i>	*American Beech
<i>Fraxinus pennsylvanica</i>	Green Ash
<i>Ilex opaca</i>	*American Holly
<i>Juglans nigra L.</i>	*Black Walnut
<i>Juniperus virginiana L.</i>	Red Cedar
<i>Liquidambar styraciflua</i>	*Sweetgum
<i>Liriodendron tulipifera</i>	Yellow Poplar
<i>Magnolia virginiana</i>	Sweetbay
<i>Nyssa sylvatica</i>	Blackgum
<i>Ostrya virginiana</i>	Eastern Hop-hornbeam
<i>Pinus echinata Mill.</i>	Shortleaf Pine
<i>Pinus taeda L.</i>	*Loblolly Pine
<i>Platanus occidentalis</i>	*American Sycamore
<i>Populus deltoides</i>	*Eastern Cottonwood
<i>Prunus serotina</i>	*Black Cherry
<i>Quercus alba</i>	*White Oak
<i>Quercus coccinea</i>	*Scarlet Oak
<i>Quercus falcata</i>	*Southern Red Oak
<i>Quercus lyrata</i>	*Overcup Oak
<i>Quercus michauxii</i>	*Swamp Chestnut Oak
<i>Quercus nigra</i>	*Water Oak
<i>Quercus rubra</i>	*Northern Red Oak
<i>Quercus shumardii</i>	*Shumard Oak
<i>Quercus stellata</i>	*Post Oak
<i>Salix nigra</i>	Black Willow
<i>Tilia heterophylla</i>	White Basswood
<i>Ulmus alata</i>	*Winged Elm
<i>Ulmus americana</i>	American Elm



Native Shrubs and Vines

*Denotes value for wildlife

Latin Name	Common Name
<i>Alnus serrulata</i>	*Tag Alder
<i>Asimina parviflora</i>	Dwarf Pawpaw
<i>Asimina triloba</i>	Pawpaw
<i>Berberis canadensis</i>	American Barberry
<i>Bignonia capreolata</i>	Cross Vine
<i>Callicarpa americana</i>	*Beauty Berry
<i>Calycanthus floridus</i>	Sweet Shrub
<i>Campsis radicans</i>	*Trumpet Creeper
<i>Chionanthus virginicus</i>	Grancy Greybeard
<i>Cocculus carolinus</i>	Coral Bean
<i>Gelsemium sempervirens</i>	Yellow Jessamine
<i>Hydrangea quercifolia</i>	Oak Leaf Hydrangea
<i>Hypericum prolificum</i>	St. John's Wort
<i>Ilex laevigata</i>	Smooth Winterberry
<i>Kalmia latifolia</i>	*Mountain Laurel
<i>Lonicera sempervirens</i>	*Red Trumpet Honeysuckle
<i>Malus angustifolia</i>	Southern Crab Apple
<i>Morus rubra</i>	Red Mulberry
<i>Myrica asplenifolia</i>	*Sweet Fern
<i>Myrica cerifera</i>	*Wax Myrtle
<i>Parthenocissus quinquefolia</i>	*Virginia Creeper
<i>Persea borbonia</i>	Swamp Red Bay
<i>Philadelphus hirsutus</i>	Mock Orange
<i>Philadelphus inodorus</i>	Philadelphus
<i>Rhododendron carolinianum</i>	Carolina Rhododendron
<i>Rhododendron catawbiense</i>	Catawba Rhododendron
<i>Rhododendron minus</i>	Piedmont Rhododendron
<i>Rhus Copallina</i>	Shining sumac
<i>Rubus betulifolius</i>	*Blackberry
<i>Rubus flagellaris</i>	*Dewberry
<i>Rubus trivialis</i>	*Southern Dewberry
<i>Salix sericea</i>	Silky Willow
<i>Sassafras albidum</i>	Sassafras
<i>Schisandra coccinea</i>	Star Vine
<i>Smilax glauca</i>	*Sawbrier Smilax
<i>Smilax laurifolia</i>	*Smilax
<i>Smilax pumila</i>	*Dwarf Smilax
<i>Smilax rotundifolia</i>	*Greenbrier
<i>Styrax grandifolius</i>	*Snowbell
<i>Vaccinium arboreum</i>	*Sparkleberry
<i>Viburnum acerifolium</i>	*Maple Leaved Arrowwood
<i>Viburnum dentatum</i>	*Southern Arrowwood
<i>Viburnum prunifolium</i>	*Blackhaw
<i>Vitis rotundifolia</i>	*Muscadine

Exhibit XIV—USACE Requirements for Installation and Certification of Electrical Facilities at West Point Lake

Specific Requirements

- 1 **Location**—The location of the utility line must not cause a safety hazard. The proposed location must front the permittee's private property.
- 2 **Utility Line Installation**—All new electrical lines must be installed underground using underground feeder (UF) or underground service entrance (USE) cable, buried a minimum of 24" deep and marked with warning tape at a 12" depth. Wiring exiting the ground must be installed in conduit. If a water line is installed in the same trench, it must be a minimum of 12" above the electric line. Wiring that is not underground (for example, on poles and floating facilities) must be protected by an approved-type conduit system, including all associated units, sections, and fittings. On existing overhead electric lines, whenever the electric line comes down the pole, it must have a weather-head and be protected by approved-type conduit. Also, any electric line attached to a floating facility must be protected by an approved-type conduit with all junctions and receptacles being of the weatherproof type. This is required on existing electric lines upon repair, reissuance, or reassignment, whichever comes first.
- 3 **Shoreline Service Pole**—If used, the service pole must be set at or above the 642' NGVD elevation. The pole can be a maximum of 6" in diameter or square and 10' high. If surplus cable is maintained for use during low lake levels, it should be coiled and attached to service pole.
- 4 **Shoreline Distribution Panel**—If used, the panel should be located at eye level, no less than 5' above the ground. Cable leading from the ground to the panel must be enclosed in conduit. Cable supplying service to a floating facility must be equipped with quick disconnect fittings mounted above 642' NGVD elevation and must be protected by a Ground Fault Circuit Interrupter (GFCI). The GFCI can be provided in the shoreline distribution panel or in the main panel at the house.
- 5 **Receptacles**—All receptacles on public lands or waters must have ground fault protection and be mounted in weatherproof boxes with self-closing caps. Convenience receptacles on floating facilities must be mounted at least 30" above the deck. No receptacles are permitted on walkways. A maximum of one duplex or two single receptacles are permitted on the floating facility and must be of 15 or 20 ampere rating. Land receptacles must be mounted at or above the 642' NGVD elevation and must be at least 4' above the ground. Receptacles providing shore power for boats must be a minimum of 20 ampere rating and be of the locking and ground type.
- 6 **Wiring**—All electrical lines and cables on or attached to the floating facility must be approved for wet locations and protected by conduit. All wiring must be enclosed in approved conduit in such a way that entry of moisture is prevented. All lines must be attached to the outside edge or underside of the walkway or floating facility. At moveable walkway and floating facility joints, links of liquid-tight, flexible conduit must be used.

- 7 **Lighting**—Lighting must be limited to the minimum necessary for safe access with a maximum bulb size of 150 watts. Fixtures and lights must be approved for damp/wet locations and cannot be mounted to extend beyond the outer perimeter of the floating facility. Light must be aimed downward. Lighting along paths may be of the low voltage-type with no exposed wiring.

General Requirements

- 1 All breakers, cables, and receptacles must be sized to accommodate service needs.
- 2 Adapters for the purpose of additional hook-ups and/or altering the designed purpose are prohibited.
- 3 Installation should be performed by a licensed electrician.
- 4 The US Army Corps of Engineers assumes no liability.



US Army Corps
of Engineers
Mobile District

Certification of Electrical Installation Facilities on West Point Lake

All electrical installation facilities must be certified for safety and compliance with applicable codes by a licensed electrician or electrical engineer before the permit can be issued or renewed. This applies to electrical service on public lands and private docks. In addition to the National Electric Code standards, U.S. Army Corps of Engineers requirements are listed within the West Project Shoreline Management Plan and diagrams are provided in Exhibit XI of the Appendix.

Permittee: _____

Permit Location: _____

Parcel ID: _____

Permit Number: _____

On _____, _____, I inspected the electrical installation/facility on public land adjacent to the above permittee's private land at the above location. I certify that this installation or facility is safe, and that it meets or exceeds the current National Electric Code standards and U.S. Army Corps of Engineers requirements for this type of location.

Electrician/Electrical Engineer Print Name

Electrician/Electrical Engineer Signature

State Certification Number

Permittee Signature

Date



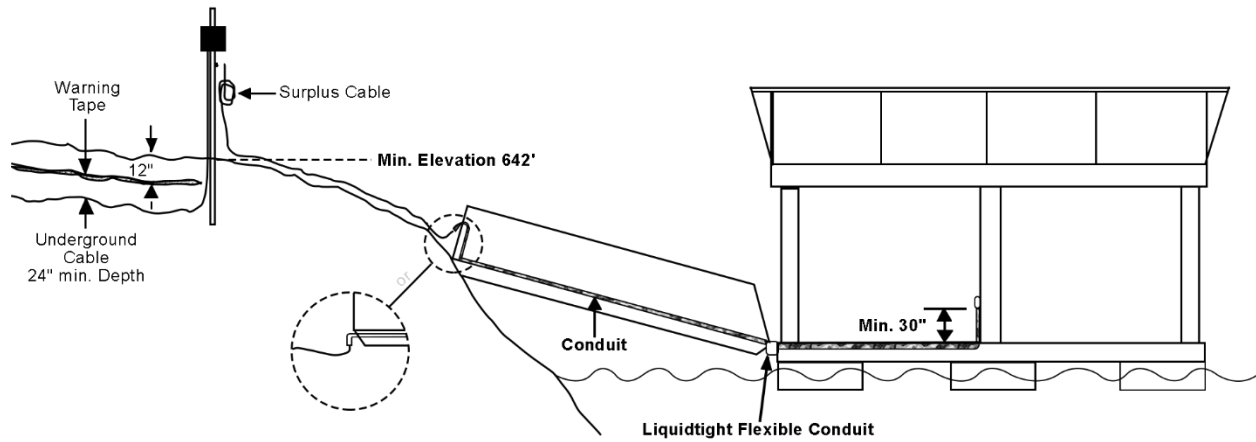
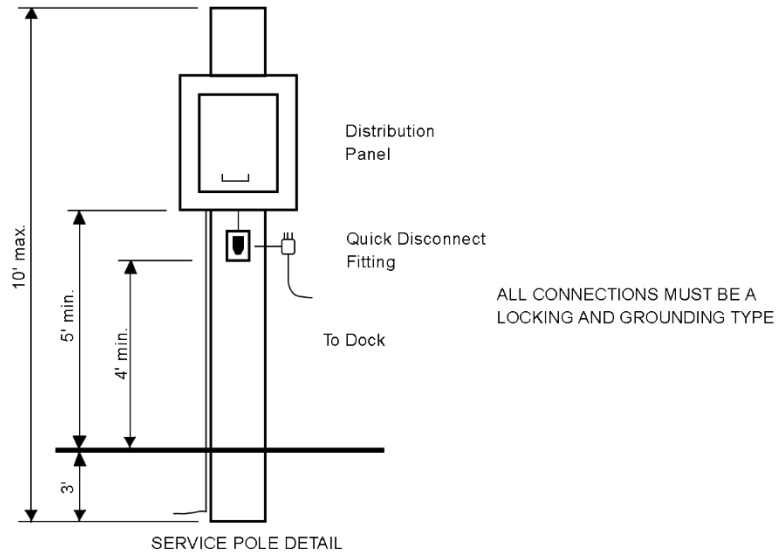


Exhibit XV—West Point Project Special Permit



West Point Project

U.S. ARMY CORPS OF ENGINEERS

BUILDING STRONG®

Special Activity Permit

Date: _____

Permission is granted to: _____ Contractor (if applicable): _____

To perform the following action(s) on Public Lands and/or Waters at the specified location(s):

Action(s): _____

Location(s): Public land adjacent to _____, Shoreline Permit # _____ Monument Number, _____,
County, State of _____, Tax Map _____ Block _____ Parcel _____.

THIS PERMIT IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. This permit expires on _____. Actions authorized herein shall cease and permit will be null and void on this date.
2. The exercise of the privileges granted by this permit will be without cost or expense to the US Army Corps of Engineers.
3. The permittee shall not hold the US Army Corps of Engineers or its employees liable for any claims of any nature whatsoever arising from or out of the performance of the acts authorized by this permit.
4. No property right or interest in real estate is conveyed by this permit. The permittee has no rights of supervision or control of the use of public property and the free use of such property is and shall remain open to the public.
5. Removal of all trash and debris resultant from actions authorized by this permit shall be the permittee's responsibility.
6. The permittee must comply with all applicable Federal, State, and local laws, regulations, and ordinances.

Please sign below if you agree to abide by the above conditions.

Permittee Date

Telephone # _____

Contractor Performing Work Date

Telephone # _____

Authorized By:

David J. Scott
Natural Resource Manager
(706) 645-2937

U.S. ARMY CORPS OF ENGINEERS – WEST POINT PROJECT

500 Resource Management Drive
West Point, GA 31833
706-645-2937
<http://www.sam.usace.army.mil/>

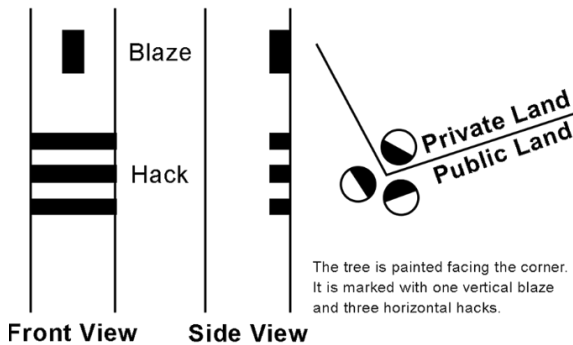


Exhibit XVI—Boundary Line

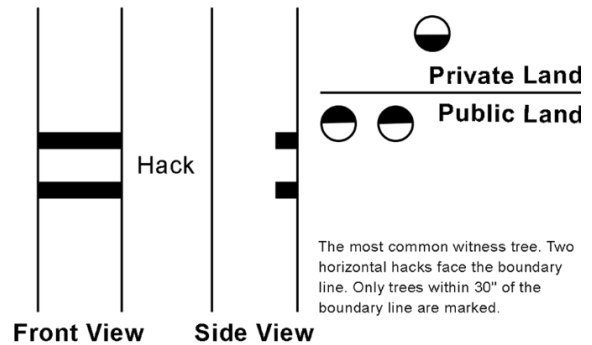
USACE requests the help of all citizens in preventing encroachments on the public land around West Point Lake. To assist in identifying the public property on West Point Lake, the boundary line is marked with red paint. Corners are marked by steel pipes or concrete monuments.

The red paint is placed on witness trees near the boundary line. The following graphics illustrate the different types of markings and describe their meanings.

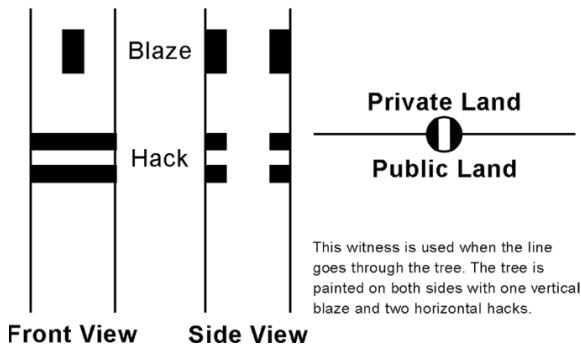
1 Corner Witness Tree



3 Line Witness Tree



2 Center Line Tree



4 Banded Directional Tree

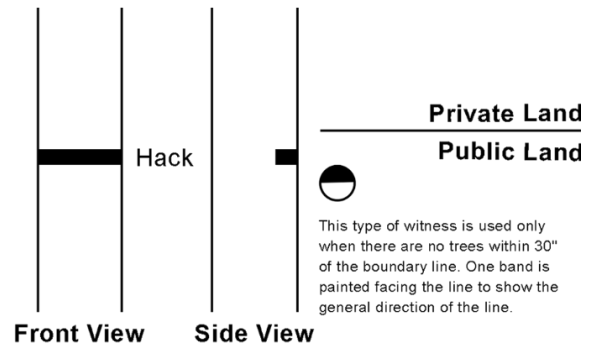


Exhibit XVII—Protected Plants and Wildlife

Key to Status

- E—Endangered
- S—Species of Special Concern
- T—Threatened
- U—Unusual

Key to Counties

- C—Chambers, AL
- H—Heard, GA
- R—Randolph, AL
- T—Troup, GA

Protected Plants Occurring in Chambers and Randolph Counties, AL

Common Name	Scientific Name	Status	County	Protected By
Little Amphianthus	<i>Amphianthus pusillus</i>	T	C, R	AL, US
White Fringeless Orchid	<i>Platanthera integrilabia</i>	T	C, R	AL, US

Protected Plants Occurring in Troup and Heard Counties, GA

Common Name	Scientific Name	Status	County	Protected By
Little amphianthus	<i>Amphianthus pusillus</i>	T	H	GA, US
Yellow Lady's Slipper	<i>Cypripedium calceolus</i> var. <i>pubescens</i>	U	H, T	GA
Black-Spored Quillwort	<i>Isoetes melanospora</i>	E	H	GA, US
Bay Star Vine	<i>Schisandra glabra</i>	T	H, T	GA
Piedmont Barren Strawberry	<i>Waldsteinia lobata</i>	T	H	GA
Harper's Dodder	<i>Cuscuta harperi</i>	E	H	GA
Georgia Aster	<i>Symphotrichum georgianum</i>	T	H	GA

Protected Wildlife Occurring in Chambers and Randolph Counties, AL, and Troup and Heard Counties, GA

Common Name	Scientific Name	Status
Mammals		
Northern Long-Eared Bat	<i>Myotis septentrionalis</i>	T
Indiana Bat	<i>Myotis sodalis</i>	E
Florida Panther	<i>Felis concolor coryi</i>	E
Birds		
Bald Eagle	<i>Haliaeetus leucocephalis</i>	E
Wood Stork	<i>Mycteria americana</i>	T
Red-Cockaded Woodpecker	<i>Picoides borealis</i>	E
Fish		
Bluestripe Shiner	<i>Cynprinella callitaenia</i>	U
Highscale Shiner	<i>Notropis hypsilepis</i>	U
Mollusks		
Purple Bankclimber	<i>Elliptoideus sloatianus</i>	T
Oval Pigtoe	<i>Pleurobema pyriforme</i>	E
Southern Pigtoe	<i>Pleurobema georgianum</i>	E
Finelined Pocketbook	<i>Lampsilis altilis</i>	T
Ovate Clubshell	<i>Pleurobema perovatum</i>	E
Crayfish		
Piedmont Blue Burrower	<i>Cambarus harti</i>	E



APPENDIX B: COORDINATION



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, AL 36628-0001

Inland Environment Team
Planning and Environmental Division

18 December 2020

Mr. Don Imm
Field Supervisor
U.S. Fish and Wildlife Service
355 East Hancock Avenue
Room 320, Box 7
Athens, Georgia 30601

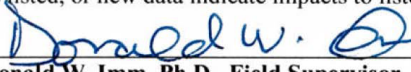


U. S. Fish and Wildlife Service
RG Stephens, Jr. Federal Building
355 E. Hancock Ave., Rm 320, Box 7
Athens, GA 30601 ; 706-613-9493

FWS Log No.

2021-I-0780

Based on information provided, we concur with your determination that the project is not likely to adversely affect federally-listed species. No further ESA Section 7 action is required, unless the project changes, a new species is listed, or new data indicate impacts to listed species may occur.


Donald W. Imm, Ph.D., Field Supervisor

01-06-2021
Date

Dear Mr. Imm:

The U.S. Army Corps of Engineers (USACE), Mobile District is proposing to make revisions to the existing West Point Lake Shoreline Management Plan (SMP) in Alabama and Georgia. The SMP revisions are generally concerned with floating docks, community docks, sun decks, electrical standards, underbrushing, walkway improvements, and utility installation. A detailed description of the proposed SMP changes is enclosed.

Federally listed threatened and endangered species within the counties comprising the proposed project area are the Wood Stork (*Mycteria americana*), Finelined Pocketbook (*Lampsilis altilis*), Oval Pigtoe (*Pleurobema pyriforme*), Black Spored Quillwort (*Isoetes melanospora*), Little Amphianthus (*Amphianthus pusillus*), White Fringeless Orchid (*Platanthera integrilabia*), Indiana Bat (*Myotis sodalist*), and Northern Long-eared Bat (*Myotis septentrionalis*).

Habitat for the Wood Stork, Fineline Pocketbook, Oval Pigtoe, Black Spored Quillwort, and Little Amphianthus would not be affected by the proposed project.

Federally listed species with potential habitat to occur in the proposed project area are the Indian bat, Northern Long-eared bat and White fringeless orchid. There are no known population of these listed species observed within the project area. However, USACE, Mobile District will provide information and instruction regarding identification of federally listed species and roosting habitat potentially occurring within the project area. Individuals will be directed not to harm or remove any species found. In the event tree removal is necessary an approach intended to avoid bat impacts would be implemented. This would include a select tree removal, allowing at least seven snag trees per acre to remain standing during the winter season when the bats have relocated to their hibernacula.

USACE, Mobile District has determined that the proposed action may affect but is not likely to adversely affect the Indian bat, Northern Long-eared bat and White fringeless orchid. Therefore, we request your concurrence with our determination. Please contact Ms. Velma Diaz by email at velma.f.diaz@usace.army.mil or via phone at (251) 690-2025 for additional information.

Sincerely,

JACOBSON.JENNI
FER.L.1230598386

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JACOBSON.JENNIFER.L.1230598
386
Date: 2020.12.18 07:46:22 -06'00'

Jennifer L. Jacobson
Chief, Environment and Resources
Branch



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, AL 36628-0001

CPA/BBJ

RECEIVED
DEC 18 2020
BY: CM

2016-CPA-0164

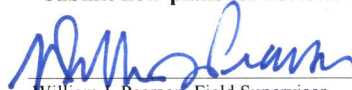
Inland Environment Team
Planning and Environmental Division

18 December 2020

U.S. Fish and Wildlife Service
1208-B Main Street – Daphne, Alabama 36526
Phone: 251-441-5181 Fax: 251-441-6222



Based upon our records and the information provided in your letter, we agree with your findings that no federally listed species/critical habitat occur in the project area. **If project design changes are made, please submit new plans for review.**


William J. Pearson, Field Supervisor

JAN 15 2021
Date

6

Mr. Bill Pearson
Field Supervisor
U.S. Fish and Wildlife Service
1208-B Main Street
Daphne, Alabama 36526

Dear Mr. Pearson:

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Sincerely,

JACOBSON.JENNI
FER.L.1230598386

Digitally signed by
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386
Date: 2020.12.18 07:50:54 -06'00'

Jennifer L. Jacobson
Chief, Environment and Resources
Branch