

PROPOSED DRAFT  
PROJECT OPERATION  
SHORELINE MANAGEMENT PLAN  
FOR HARTWELL LAKE PROJECT  
GEORGIA AND SOUTH CAROLINA  
PROPOSED DRAFT, 15 MAR 2019

DISTRICT PAMPHLET  
NO.1130-2-11

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**1. Purpose.** To provide guidance and information to the public, specific to management of the Hartwell Lake shoreline, the U.S. Army Corps of Engineers (USACE) developed the Hartwell Lake Shoreline Management Plan (SMP). In reference to this SMP, the term “shoreline” refers to all public land located between private property and 660 feet Mean Sea Level (ft. MSL). Within this SMP, the types of private uses and activities that may be considered for approval on public land and water are described. Additionally, the SMP addresses shoreline allocations, rules, regulations, and other information relevant to the Hartwell Lake Shoreline Management Program.

**2. General Objectives.** Management of all public land at Hartwell Lake is necessary to provide an opportunity for optimum recreational experiences for the maximum number of people, while assuring compatibility among permitted private uses, general public use, and protection of lake resources. Objectives of the SMP are to achieve a balance between public use and permitted private use, while assuring long term resource protection for the enjoyment of lake benefits by all.

**3. Authority.** This document is prepared in accordance with the requirements of Title 36 Code of Federal Regulations (CFR) Part 327.30, titled Shoreline Management on Civil Works Projects and Engineering Regulation (ER) 1130-2-406, dated October 31, 1990, titled Shoreline Management at Civil Works Project, and amended by change 1 dated September 14, 1992, and change 2 dated May 28, 1999.

**4. Proprietary Jurisdiction.** No other Federal agency has land ownership or jurisdiction over the administration of the Hartwell Lake SMP. The USACE administers this SMP and other applicable Army Regulations on Hartwell Lake. However, federal, state, and local laws are applicable to all Hartwell Lake land and water. While the USACE does not have the authority to enforce other federal, state, or local agencies regulations which apply to Hartwell lands and waters, the USACE cooperates with these agencies in their respective enforcement responsibilities specific to Hartwell land and water.

## **5. Project Description and History.**

**a.** Hartwell Lake is a large, multi-purpose reservoir, constructed between 1957-1963 on the Savannah River. Authorized purposes are flood control, water quality, water supply, hydroelectric power, recreation, navigation, and fish/wildlife. The USACE Savannah District is responsible for managing and maintaining a balance between these often competing demands on the resource.

**b.** Preparation of the General Development Plan and later the Land Use Plan was initiated in 1961, following impoundment of the Hartwell Reservoir. Development of the Land Use Plan included inspection of the shoreline and selection of lands for public

recreation use. A moratorium on accepting applications for lakeshore use permits was not declared during these developmental stages, and permits were issued in accordance with the Land Use Plan until 1974.

c. In 1972, development of the Lakeshore Zoning Plan was initiated. Subsequently, the Lakeshore Zoning Plan evolved into the Lakeshore Allocation Map, outlined in the proposed Lakeshore Management Regulations (ER 1130-2-406), printed in the Federal Register on May 30, 1974. Prior to this in January 1974, development of the Lakeshore Management Plan (LMP) began in accordance with the proposed regulations. The only changes made to the shoreline allocations were to change the shoreline adjacent to Clemson University to "Protected Lakeshore Area" at the University's request and to change allocations to "Protected Lakeshore Area" immediately adjacent to roads, bridges, environmentally significant areas, and some recreation areas. The Hartwell LMP was approved and implemented in January 1979. In June 1988, a revision of the LMP was initiated, resulting in the approval and implementation of the SMP for Hartwell Lake in July 1989. A review of the 1989 SMP was initiated in 1997 resulting in the approval and implementation of the 1998 SMP. The review process for the 1998 SMP was initiated in June 2005 with the approval and implementation of the 2007 SMP. In March 2017, a revision of the 2007 SMP was initiated, resulting in the approval and implementation of the 2019 SMP.

d. Private facilities and activities have been permitted on Hartwell Lake since impoundment began on January 17, 1961. In 1974, Title 36 CFR Part 327.30 and ER 1130-2-406 required all USACE Lakes with existing permitting programs, to establish a SMP. The SMPs were to include the shoreline allocations and outline the type of facilities and activities that could be permitted within each allocation. Approximately 76 percent of Hartwell's 962 miles of shoreline is allocated as areas in which some type of SUPs can be issued (See paragraph 10, Private Individual Docks, paragraph 13, Underbrushing). As a result, and in conjunction with its proximity to multiple metropolitan areas, the Hartwell Lake Shoreline Management Program has grown to be the largest within the USACE nationwide. With the potential to have thousands more SUPs/license issued, it becomes even more important to maintain a proper balance between public and private uses, while maintaining a high quality resource for future generations.

## **6. Public Involvement.**

a. In March 2017, the public review process was initiated when the USACE hosted three public workshops. The location of each workshop was strategically based around the lake in Anderson and Oconee counties in South Carolina, and Hart County in Georgia to collect comments on the existing 2007 SMP. All congressional interests were notified of the public meetings prior to the events. USACE received over 500 comments via email and mail during a 10-week public comment period. Solicitations for comments were sent via news releases, notices on the Hartwell Lake website, and a mass mail out of post cards to existing SUP holders seeking input on the current SMP.

b. A draft SMP and Environmental Assessment were posted for public comment for 30-days in 2019 and all comments were reviewed and considered to formalize the updated 2019 SMP.

## **7. Private Boat Dock Carrying Capacity Study- Not Applicable**

**8. Shoreline Allocations.** To meet the objectives of the SMP, it is essential to manage (by SUP and/or real estate license), the type, number, and location of private facilities and activities on public land and water. To administer the shoreline management program and ensure a proper balance between authorized purposes, the Hartwell Lake shoreline was allocated into four categories defined in a-d below. A master map depicting shoreline allocations is available for viewing at the Operations Project Manager's Office and on-line at <https://go.usa.gov/xENA5>. The allocations outlined below have been established and firmly adhered to for many years. Public Recreation and Protected Shoreline allocations must be preserved to maintain balance between public and private use, to adequately manage for all authorized purposes, and to ensure continued manageability. As demand for recreation areas increase, Public Recreation Areas will be available for future recreation development. Some of these areas will remain undeveloped, providing considerable value to Hartwell Lake for current users and future generations. These values include, but are not limited to timber, wildlife, aesthetics, and natural areas for general public uses such as hiking or picnicking.

**a. Limited Development Areas (LDA).** Approximately 50 percent of the shoreline is allocated under this category and is shown in green on allocation maps. Private docks and certain land-based activities may be authorized in these areas, provided other conditions outlined in this SMP are met.

**b. Protected Shoreline Areas.** Approximately 26 percent of the shoreline is allocated under this category and is shown in yellow on allocation maps. Protected Shoreline Areas reduce conflicts between public and private use and maintain aesthetics, fish and wildlife habitat, cultural or other environmental values. Additionally, shorelines subject to extensive public use are in this category. Docks, improved walkways, and utility rights-of-way are prohibited in protected areas unless under the provisions of paragraph 15, Prior Commitments and Public Law. A limited amount of underbrushing and bank stabilization efforts can be considered in Protected Shoreline Areas.

**c. Public Recreation Areas.** Approximately 24 percent of the shoreline is allocated under this category and is shown in red on allocation maps. These areas are designated for federal, state, and other public use, including commercial concessions. No private use facilities or activities will be permitted within a designated developed or undeveloped Public Recreation Area unless under the provisions of paragraph 15, Prior Commitments and Public Law.

**d. Prohibited Access Areas.** Less than 1 percent of the shoreline is allocated under this category, which is shown in orange on allocation maps. Prohibited Access Areas are those in which public boating and pedestrian access is not allowed, or is restricted, for safety, and/or security reasons. Private use facilities and activities are not permitted within these areas.

**9. Shoreline Use Permit (SUP)/License.** SUP/Real Estate Licenses must be obtained prior to the installation/use of any facility and/or the implementation of any action on land or water. This applies to the issuance of initial SUP/real estate licenses and the reissuance of a SUP/license to new owner. Depending on the allocation of adjacent shorelines, a SUP/license can be considered for the following: a boat dock, underbrushing, utility rights of way, improved walkway, and bank stabilization. SUP/licenses are typically issued for a term of 5 years and contain terms and conditions applicable to all SUP/licenses issued. Unique circumstances and/or conditions may require additional special terms and conditions on the SUP. Fees will be collected for specific permitted/licensed facilities and activities prior to their issuance. The current fee schedule is available at the Operations Project Manager's Office. A valid SUP constitutes approval by the permittee for Government personnel on official business to cross their private property to gain access to public property to make a determination of compliance with SUP/license terms and conditions. Applications for SUP/licenses on Hartwell Lake are approved or disapproved by the Operations Project Manager and the Real Estate Contracting Officer based on compliance with this SMP, and state and federal laws. Requests for activities not specifically addressed in this SMP will be reviewed by the Operations Project Manager. Should an applicant desire to appeal a decision, the individual should do so in writing through the Operations Project Manager to the District Commander.

**a. Shoreline Use Permits (SUP).** SUPs for boat docks and limited underbrushing are issued and enforced in accordance with Title 36 CFR Part 327.30 and ER 1130-2-406. Noncompliance with the terms and conditions, general or special, may result in issuance of a Violation Notice requiring payment of a fine or an appearance before the U.S. Magistrate, termination of the SUP, and/or restitution. Noncompliance may also result in a moratorium, preventing the issuance of a new SUP until compliance is satisfactory to the Operations Project Manager. A list of general Shoreline Use Permit Conditions is included as Exhibit I, Shoreline Use Permit Conditions. Issuance of a SUP does not convey any property rights or exclusive use rights of public land to the permit holder. Permits cannot be transferred from one private party to another. New and prospective adjacent property owners should contact the Operations Project Manager's Office for information concerning permitting procedures. If the property in question has facilities and activities authorized by a previous SUP, the new owner is required to contact the Operations Project Manager's Office within 14 days of purchase to apply for a new SUP. If no SUP is obtained, or if the SUP cannot be reissued, all previously authorized facilities and activities must be removed.

**b. Licenses.** Licenses are real estate instruments administered by the Savannah District Real Estate Division. In accordance with ER 405-1-12, a license is required for the construction, installation, operation, and maintenance of land-based facilities such as improved walkways, electrical lines, potable and non-potable water lines, dock gangwalks, and dock anchors. Real Estate licenses are not transferable, are issued to persons having a need to cross or use USACE property for a particular purpose, and are revocable at will. Licenses may be issued concurrently with a SUP or as a stand-alone document. When a license is issued concurrently with a SUP, revocation of a SUP will be required when the associated license for land-based support facilities is revoked. In such instances, all improvements must be removed from public land and the land restored. A license template with conditions is included as Exhibit II, License Conditions (template language is subject to periodic updates or revisions as necessary).

**10. Private Individual Docks.** Docks are authorized for the purpose of mooring water related recreational vessels. At no time will private docks be used for human habitation. Decisions regarding the issuance of an SUP for a private individual dock consider many requirements and physical characteristics as explained below. Utility rights of way and improved walkways are considered supporting facilities for a dock therefore can only be permitted if a dock is authorized. One private dock may be considered for each separate piece of property, as defined in paragraph 10(a) that an individual owns adjacent to LDA shoreline. If two plats/lots are combined and surveyed and recorded as one plat/lot, the property qualifies for one SUP.

**a. Eligibility Requirements.** Applicants for a SUP/license must own private property adjacent to public land in fee simple and provide a recorded deed and recorded plat, prepared by a registered surveyor, for the adjacent private property. Public roads do not constitute legal access and cannot be used as access when applying for a SUP/license. However, in situations where a public road is between adjacent private property and public land, the owner would be considered an adjacent landowner to public land. If a SUP is issued based on a deed or plat that is later found to be inaccurate or misleading, that SUP may be canceled. If one structure (house, other dwelling, garage, etc.) or other supporting feature (swimming pool, porches, etc.) occupies more than one identified piece of property, the properties together will be considered one lot and must meet the criteria for consideration of one shoreline use SUP/license. In the event a structure/feature is built across separate properties for which shoreline use SUP/licenses were issued prior to construction of the subject structure/feature, previous SUP/licenses, as necessary, will be canceled so only one SUP/license remains for the subject property.

**b. Access Requirements.** To be considered for any facilities/activities, the associated private property must share a common boundary with public property for a minimum width of 75 feet classified as LDA.



**c. Location.** For the purpose of placing/establishing permitted/licensed facilities/activities, a 90-degree projection will be made from the outside corner pins (left and right lot pins as you are looking at the water) to the lake (See Exhibit III, 90-Degree Projection Examples). This is considered the primary frontage of an area or lot and will be used to consider the placement of permitted/licensed facilities and activities; it does not constitute any property rights over public land nor prevent the use of the subject area by other adjacent landowners or the general public. If the 90-degree projection bisects/crosses other frontage areas, previously permitted areas, or private property before it reaches 660 ft. MSL, the property will not qualify for an SUP. Prior to the issuance of any initial or re-issue SUP/license, applicants will be required to submit a projection survey, completed by a registered surveyor and to a scale of 1 inch equals 100 feet, along with copies of the deed and plat. The 90 degree projection survey must show the 90-degree pins and the existing shoreline at 660 MSL. Point lots will split the projection as shown on Exhibit III, 90 Degree Projection Examples. The surveyor will install projection pins (rebar stakes with caps) just above 660 ft. MSL.

(1) In most cases, docks will be placed within the primary frontage of a lot as noted in the above paragraph in a location determined by a Ranger (for the USACE). If site conditions within the primary frontage are not conducive for a dock, including, but not limited to, inadequate water depth, unusual land features, and spacing issues, the property is non-dockable. However, if adjacent docks on either side of the lot in question are offset, a new offset may be considered since all the docks in the area are located outside their primary frontage.

(2) Docks must be installed perpendicular to the shoreline. In locations where two or more pieces of private property qualify for placement of a dock in the same area but all docks would not meet the spacing requirement, i.e. small coves or narrow lots, docks will be issued on a first come first served basis. (See Exhibit IV, Projection Documentation Criteria/Examples).

**d. Spacing.** The location of any new dock must provide at least 50 feet of space between the proposed facility and all permitted facilities at normal pool elevation (660 ft. MSL) to provide a buffer area for boat maneuverability, water level fluctuations, and public safety. Additional space and/or length restrictions may be imposed due to navigation concerns such as obstruction of channels and/or access to coves and/or existing docks (See Exhibit V, Dock Length Restrictions Examples). Mooring of vessels, or other floating structures (inflatables, trampolines, etc.) at a dock cannot impede ingress/egress or navigation.

**e. Water Depth.** A proposed dock must have at least 4 feet of water depth at the point where the gangwalk and dock connect, for the SUP application to be accepted for review. All dock SUPs are issued in relation to 660 ft. MSL. The issuance of a dock SUP does not guarantee continual usability of the structure, i.e. drought, high water conditions, siltation, etc. If necessary, during periods of low water, individuals may "chase the water" in an effort to keep their docks afloat, provided such action does not

prevent/block access to existing docks or coves. This practice has been allowed in the past and will continue to be permitted provided this temporary relocation of docks does not create safety hazards, i.e. crowding, crossing over other docks, etc. When lake levels return to normal, individuals are responsible for returning their docks to the permitted locations and removing all temporary anchor pins. Please note, dependent upon site conditions, the Ranger may defer making a determination to issue/modify a dock SUP if the lake level is greater than 656 ft. MSL or less than 660 ft. MSL.

**f. Standards for Docks.** All plans for new docks and modifications to existing docks (to include but not limited to combining two existing docks into one structure), including gangwalks, must be approved by a state licensed structural engineer to ensure a quality, safe design suitable for conditions on Hartwell Lake.

**(1) Plans.**

**(a)** Dock builders may submit master plans for each type of dock they intend to build, along with a master list of available colors. These plans must be approved by a state licensed structural engineer. Once approved, these plans will be kept on file at the Operations Project Manager's Office. Dock builders will supply new applicants an 8½ inches x 11 inches drawing showing the dimensions of the proposed structure, flotation type, gangwalk placement, stair location, a side view showing levels/roof, and anchor system. This drawing will include a signed statement that the structure meets or exceeds specifications for dock plans on file for that particular dock company.

**(b)** If an applicant does not want to contract with a builder with master plans on file, they may submit their own plan provided it is approved by a state licensed structural engineer and meets all the criteria and standards applicable to docks as defined in this SMP. The proposed color must be included and be in compliance with section (2) below. The applicant will include a statement with the plan certifying that the dock will be built in accordance with the licensed engineer plan.

**(c)** If an applicant is considering the purchase of a used dock already permitted on Hartwell Lake, they must provide the SUP number (to the Operations Project Manager's Office) by which the subject dock was last authorized so that plans for the dock can be reviewed. If dock plans for the used dock cannot be located, applicants must submit engineer approved plans for the dock.

**(2) Color Restrictions.** All new docks (with the exception of all aluminum constructed docks) and roofs must be of an earth tone color such as dark green, brown, black, etc. Docks relocated to newly approved locations must comply with current color and size requirements. Any existing dock, if repainted or roof replaced, must comply with current color requirements.

**(3) Time Limits.** Approved docks must be installed within twelve (12) months of SUP issuance and maintained in place thereafter. The permittee must inform their Ranger when the structure is installed. Failure to install an approved structure within the time limit (and maintain it thereafter) will automatically nullify the dock portion of the SUP. The owner must wait 6 months before they can reapply for the dock portion of the SUP. When an existing dock is sold or removed, the owner has 6 months to install a new dock upon Ranger approval. A new dock cannot be installed until the previously permitted dock has been removed.

**g. Gangwalks.** If site conditions and safety considerations allow, docks may be permitted a maximum 60-foot long gangwalk. The minimum length of gangwalk allowed will be 16 feet. Gangwalk width may vary from a minimum of 3 feet to a maximum of 6 feet. The gangwalk length authorized must ensure that:

**(1)** The total structure (dock and gangwalk combined) will not extend beyond one-third the width of a cove at normal pool elevation.

**(2)** The structure will not be closer than 50 feet to a permitted structure.

**(3)** The structure will not extend into a marked navigational channel, cause a navigational hazard (blind curve, etc.), or block access to coves or other permitted docks. (See Exhibit V, Dock Length Restrictions Examples).

**h. Flotation.** All newly installed flotation will meet the requirements of SUP Condition No. 14 as outlined in Exhibit I, Shoreline Use Permit Conditions.

**i. Size Limitations.** The maximum size a private individual dock can be is 1,120 square feet provided the associated lot shares a common boundary of at least 75 feet as noted above. Neither the length nor width of the structure can exceed 40 feet. Square footage will be calculated excluding the gangwalk. The minimum size dock allowed is a 10-foot x 20-foot. All dock and gangwalk configurations are subject to approval by the USACE. New enclosed structures are not allowed. Dock SUPs legally issued and properly maintained prior to implementation of this SMP will be honored as permitted, whether they are larger or smaller than sizes currently allowed. Larger docks, however, will not be considered at locations that do not meet current criteria.

**j. Dock Roofs and Sundecks.** If the structure has a roof or upper deck, overhangs of up to 24 inches will be allowed. Slip docks are limited to no more than two (2) levels and the second level cannot be covered. No jump gates are permitted on the second level.

**k. Storage Compartments/Attachments.** On docks, storage compartments will be limited to a maximum height of 48 inches on an uncovered dock and to the roof line on a covered dock. Storage compartments where flammable liquids are stored will be ventilated to prevent the accumulation of fumes. Storage boxes may not be used to

enclose any portion of a dock. Attachments such as personal watercraft lifts may be secured to a dock, but will be counted as part of the square footage of the dock structure since these type facilities are permanent structures and increase the "footprint" (actual water surface area occupied by the dock structure, including slip area) of the dock. After market attachments that are secured to the landward side of the dock structure, or within the slip of a dock structure, will not be counted as part of the square footage if these locations do not affect the spacing between docks. After market attachments must be approved by the Operations Project Manager prior to installation. Security cameras are authorized to be installed on docks. Facilities such as slides, jump gates, diving platforms, and diving boards will not be permitted due to safety concerns associated with fluctuating lake levels and possible underwater obstructions and hazards. Appliances including, but not limited to, sinks, showers, refrigerators, freezers, stoves, satellite dishes, hot tubs, etc. are not permitted on docks or public land.

**l. Materials.** All structural material, decking, nails, bolts, nuts, washers, etc., will be designed for outdoor use. Creosote or penta treated wood is not acceptable.

**m. Anchorage.** Docks must be physically anchored to the shore with a gangwalk and an approved cabling system. Typically, cables will be attached to secure anchors above 660 ft. MSL elevation. Cables will not be attached to trees or other vegetation.

**11. Community Docks.** In an effort to reduce the proliferation of individual dock structures, impacts to public land, and to increase recreational opportunities, community docks will be encouraged. Community docks will be considered for standard residential subdivision developments and multi-residential developments such as condominiums, town homes, or other type developments where property adjoining public land is commonly owned by all unit owners.

**a. Eligibility Requirements.**

(1) Community dock SUPs will be issued to associations, signed by a designated point of contact, and approved based on development plans submitted by the association and accepted by the Operations Project Manager. At a minimum, a standard association agreement, Exhibit VI, Community Dock Association Agreement, will be completed and signed by association representatives and will be included as additional SUP conditions. With the exception of dock size limits, criteria/standards associated with private individual docks (see Section 10, Private Individual Docks) will apply to community docks.

(2) Developers choosing the community dock option will be required to provide a projection survey as outlined in Section 10, Private Individual Docks (c). Typically, the community dock option will not be considered unless the proposed development has a minimum of five 75 feet wide lots or five units. Proposed community

docks that involve unusual situations/site conditions with less than 5 lots/units will be reviewed on a case-by-case basis. Once a community dock is established in relation to a development, individual SUPs will not be considered for any lots associated with the community dock.

**(3)** Improved walkways and utilities will be considered for each community dock approved. Such facilities will originate from a designated point on private property and extend to a designated point(s) on public land. With the exception that T or Y-type walkways will be considered in the event two docks are issued, walkway and rights of way criteria noted in Section 14, Rights of Way, will be used in relation to community dock developments.

**b. Access Requirement.** To qualify for a residential subdivision community dock, a minimum 15 feet deep fee simple strip of property, owned by the respective association, must border public land adjacent to the lots associated with the SUP (See Exhibit VII, Community Development Example). For interior lots to be considered for dock use, legal access to the fee simple strip must be shown on development plans.

**c. Dock Size and Location.** Community dock sizes will be based on the amount of shared boundary line that meets the water depth requirement (boundary line assessment conducted by Ranger) associated with the development in conjunction with the number of units/lots. Eleven square feet of dock will be considered for every one foot of dockable boundary line, provided the total number of slips does not exceed the total number of units/lots within the development. For example, if a development has 550 feet of common boundary line within a LDA and all 550 feet is adjacent to water that meets dock requirements, that development would qualify for consideration of a maximum 6,050 square foot dock (See Exhibit VII, Community Development Example).

**d. Spacing.** The location of any new community dock must provide at least 50 feet of space between the proposed facility and all permitted facilities at normal pool elevation (660 ft. MSL) to provide a buffer area for boat maneuverability, water level fluctuations, and public safety. Additional space and/or length restrictions may be imposed due to navigation concerns such as obstruction of channels and/or access to coves and/or existing docks (See Exhibit V, Dock Length Restrictions). Mooring of vessels, or other floating structures (inflatables, trampolines, etc.) at a community dock cannot impede ingress/egress or navigation.

**e. Design.** Maximum slip size (water space) cannot exceed 24 feet wide by 28 feet deep. More than one dock may be considered per development, but total square footage of the docks combined cannot exceed the maximum square footage for the development.

**f. Underbrushing.** As defined and explained in Section 13, Underbrushing, associated with community dock developments will be determined based on accepted development plans and site-specific conditions. Underbrushing areas will be

designated adjacent to LDA shoreline only and may be up to 50 percent of the shared boundary line, not to exceed 400 feet.

**12. Mooring Buoys.** No new mooring buoys can be authorized. Historically, applicants could either obtain a dock SUP or a mooring buoy, but not both. Any previously authorized mooring buoys will be honored to current or future owners as long as the facility is maintained in accordance with SUP conditions.

**13. Underbrushing.** Underbrushing is defined as the selective cutting and continuing control of woodland understory vegetation (weeds, vines, briars, etc.) and the thinning of tree seedlings, as approved by the Operations Project Manager.

**a. Underbrushing Limits.** The area to be underbrushed is limited to the applicant's adjacent lot frontage, up to a maximum of 50 feet in Protected Shoreline Areas and 100 feet in LDA's. To qualify for consideration of a SUP to underbrush a common boundary of 75 feet is required. With the exception of native ornamentals, including dogwood, holly, redbud, wild azalea, mountain laurel, rhododendron, magnolia, etc., designated underbrushing is limited to vegetation measuring less than 3 inches in diameter at ground level. Under no circumstances will vegetation over 3 inches in diameter at ground level, or native ornamental trees and shrubs, be cut without the prior approval of the Operations Project Manager. Once underbrushing is completed, the area should still be "wooded" with trees established to a maximum spacing of 18 feet on center.

**(1)** If cutting all underbrush material (within an authorized underbrush area) would create open areas where trees are not maintained at the 18 foot spacing, then enough existing smaller trees (measuring less than 3 inches in diameter) must be left undisturbed to meet the required spacing. Planting of native trees and/or natural regeneration may also be required to establish the proper spacing. Limbs on trees in the underbrush area may be pruned up to one-third the height of the tree, or 18 feet, whichever is less.

**(2)** The establishment of grass lawns, flowerbeds, other landscaping activities, or the placement of personal items (such as swings, chairs, invisible dog fences, etc.) that create the appearance of private ownership and control of public land are not allowed. The removal of natural ground litter (by raking, blowing, bagging, etc.) such as pine straw and/or leaves is also prohibited. Licensed facilities, i.e., utility rights of way, improved walkways, etc., will be located within the designated underbrush area unless site conditions, as determined by a Ranger, dictate otherwise.

**(3)** Remaining public land outside the underbrush area will be designated as undisturbed natural areas to provide a separation buffer from private development and to enhance wildlife habitat. The maintenance of adequate shoreline vegetation serves many functions in protecting the Hartwell resource as outlined in Exhibit VIII, The Value of Shoreline Vegetation. Violations of the underbrushing requirements 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 all or part of the SUP/license. In addition, severe cases of destruction may result in a moratorium on public land preventing consideration of any new SUP/license until the affected area regenerates to a condition satisfactory to the Operations Project Manager.

**b. Approved Methods of Vegetation Removal.** Underbrushing will be accomplished by using hand tools that allow the operator to selectively remove vegetation approved by the SUP/license. Acceptable tools include, but are not limited to, chain saws and weed trimmers. Standing dead or diseased trees may be cut only after they are inspected and marked for removal by a Ranger and only if they pose a safety hazard. Herbicide cannot be used to establish/maintain standard underbrush areas.

**c. Burning on Public Land.** Burning on the exposed lake-bed is permitted only to those individuals with a valid underbrush SUP. Burning is restricted to the exposed lake bottom below 660 ft. MSL elevation. During periods of normal or high lake levels (660 ft. MSL elevation or above), burning is prohibited. Materials to be burned are limited to underbrush material taken from public land. Any burning must be coordinated with the local fire agency and be in accordance with applicable state and local laws.

**d. Planting on Public Land.** Modification of public land by an adjacent property owner through additional plantings must be in accordance with an approved, detailed planting plan. Planting plans must use only those plants included on the approved planting list (See Exhibit IX, Approved Native Plant List) and be approved by the Operations Project Manager prior to planting.

**e. Open Areas Defined.** Open areas are defined as those areas of public land where a natural mixture of native trees does not exist at a minimum spacing of 18 feet on center. These areas include established grassed areas which were permitted in the past, open areas created by the approved removal of trees, open areas created by unauthorized activities, and areas in general not meeting the required spacing.

**f. Reclaiming Open Areas.** Upon discovery of open areas that have never been permitted, a plan for replanting the area may be submitted by the adjacent property owner for review and approval by the USACE to obtain or maintain underbrushing privileges. Grassed areas that have been maintained through the years in conjunction with a valid SUP/license are allowed to remain until the adjacent private property changes ownership and/or the SUP/license expires or is not renewed. At such time, the landowner has two options: submit a plan for review and approval to replant the area in a mixture of native over/understory trees to meet the minimum tree spacing to qualify for underbrushing privileges, or let the area naturally regenerate with no underbrushing privileges until the area meets the minimum tree spacing requirement.

**g. Plantings under Previous SMPs.** Regeneration areas planted and maintained under the 1989 or 1998 SMPs will be honored for the term indicated by the respective SUP conditions. Regeneration areas planted under these SMPs but not maintained will be subject to the natural regeneration process noted above.

**h. Other Open Areas.** Non-grassed open areas, as noted in item (e.) above, will be re-vegetated as needed based on site-specific conditions and circumstances. Re-vegetation will occur by either natural regeneration, planting by the adjacent property owner, or a combination thereof.

**14. Rights of Way.** Rights of Way are for supporting facilities to a dock, therefore can only be permitted if a dock is authorized. Properties with less than 75 feet of shared boundary line within an LDA with an existing dock may still be authorized for utilities and improved walkway. To minimize adverse effects on public property and for safety reasons, all approved utilities must be located underground with the location of the right of way designated on the Shoreline Use/License. Requirements for utilities are as follows:

**a. Electrical Service.** All wiring must meet the requirements of the current National Electrical Code and the USACE. The USACE requires that all wiring on public land be protected by a ground fault circuit interrupter. Solar panels may be authorized on a dock and/or power pole for electrical services on public land only.

(1) One non-decorative light pole will be allowed per every 100 feet between 661 ft. MSL elevation and the Hartwell Lake boundary line.

(2) Additionally, solar landscape lighting along an improved walkway is allowed. Solar lights are limited to 10 inches in height and must be spaced a minimum of 10 feet between lights. If a location qualifies for more than one pole, the permittee has the option to install solar landscaping lighting or a second pole, but not both.

(3) If an additional pole is installed along the approved walkway, there must be a minimum spacing of 100 feet from the pole at the shoreline to the second pole. Poles are limited to 15 feet in height and must be placed at 661 ft. MSL elevation or above. Lighting on authorized poles must be of a down lighting design and/or include a "down lighting shield". If wood, the pole must be treated for ground contact with a minimum size of 4 inches x 4 inches. Other non-decorative commercial products designed or suitable for outdoor light pole use may be authorized. All above ground wiring on public land must be in approved electrical conduit and receptacles on the light pole must be located at 666 ft. MSL elevation or higher. A state licensed electrician is required to certify that all materials, workmanship, and wiring methods of the installation from the property line to the light pole(s) meet requirements outlined here and shown on Exhibit X, Power Pole Certification upon installation and prior to renewal of SUP/licenses.



**b. Waterlines and pumps.** Non-potable (lake water) intakes may be authorized with no lines installed underground below the normal pool elevation of 660 ft. MSL. If a dock is in place, the waterlines and intake will be attached to the dock, with only a plastic pipe extending into the lake for the intake. At locations where a dock is not authorized, the permanent underground waterlines will terminate at 660 ft. MSL elevation or above. An extension may be attached during pumping, but must be removed when not in use. Pumps must be located on docks or on private land. Submersible pumps are prohibited. Temporary waterlines may be authorized by a Specified Acts Permit issued through the Operations Project Manager for a period not to exceed 120 days. An underground potable waterline extending from private land to a single, above ground spigot on public land may be permitted. Additional spigots may be installed on the dock, but sinks and showerheads are prohibited.

Landowners adjacent to the lake are advised that minor water withdrawals for use beyond the dock area are under further review and may ultimately not be allowed in the future. Landowners adjacent to the lake considering any new investment to withdraw water from the lake are cautioned they are proceeding at their own risk until the review is concluded and a policy is determined. If the review results in a change to the current Minor Water Withdrawal Policy, a minor modification to this SMP will be made at that time to incorporate the change.

**c. Improved walkways.**

(1) Improved Walkways to the dock location may be authorized to a maximum width of 6 feet.

(2) Based on site conditions, improved walkways may be constructed of crushed stone, wood chips, stepping stones, treated wood, concrete, asphalt, mortared rock, brick, or other similar materials.

(3) Concrete or asphalt must not exceed 4 inches in thickness. Initial installation of concrete must be colored by dye/stain to an earth tone shade. Pressure washing a concrete walkway is prohibited unless cleaning is necessary prior to application of stain.

(4) All walkways must conform to the existing topography and be installed on grade. Cutting and filling is prohibited.

(5) Some areas are not conducive to concrete, asphalt, or other poured material walkways. In these situations (terraces, low areas, slope, etc.), treated lumber walkways may be elevated, provided the top of the walking surface does not exceed 24 inches above ground level at any point along the walkway.

(6) Walkways are authorized to allow for safe access to the dock, not as patios or decks. The construction of stand-alone walkway sections, turn-outs on walkways not functional for cart use, or excessive “gangwalk anchor pads” is prohibited.

(7) Walkways that do not access the dock or shoreline directly, or are T-shaped, Y-shaped, or consist of more than one walkway will not be permitted.

(8) Golf carts and similar type vehicles can only be used in conjunction with walkways designed for such use. Cart path turn-outs are to be installed perpendicular to walkways as shown on walkway certification agreements (See Exhibit XI, Improved Walkway).

(9) Footbridges with handrails, constructed within the maximum 6-foot width, may be authorized for access across larger drainage ditches and low areas on public land. Footbridges may not extend below or cross over 660 ft. MSL elevation, and all materials must be treated for ground contact.

(10) Handrails may be approved along pathways or improved walkways only and must be constructed of rigid materials that provide adequate support, i.e., wood or metal. Handrails which are strictly decorative are not allowed, i.e., rope handrails. All approved handrails must include 3-foot breaks at various points to provide for lateral pedestrian access.

**d. Erosion Control.** When an erosion problem originates on private property and extends onto public land, corrective action on private property must be taken to prevent further erosion of public land. Failure to prevent silt from extending from private property to public land during construction or any other time may result in the issuance of fines, the required removal of silt, the non-issuance of SUPs, and/or the cancellation of all or part of existing SUPs. When use of a natural pathway is creating the erosion problem, the pathway will be relocated to another area of less impact or improvements to the walkway will be required. Permission may be granted to undertake activities designed to prevent erosion on public land if the erosion is originating on public land. These activities include planting native trees and/or shrubs or placing rocks or similar materials to disperse the flow of water. Plans for erosion prevention, describing tools and type of materials to be used, must be approved by the Operations Project Manager and will be included as part of the SUP/license.

**15. Prior Commitments/Public Law.** Docks presently authorized in Protected Shoreline or Public Recreation Areas are permitted as Prior Commitments or Public Law protected structures.

**a. Prior Commitments.** Individuals who have continually owned property adjacent to Protected Areas and certain designated Public Recreation Areas since before September 12, 1973 (the date the Interim Hartwell Lake Lakeshore Management Plan was approved by the USACE South Atlantic Division and presented to the public

as a guide) and meet all other dock eligibility requirements may qualify for a SUP/license. Prior commitment docks in substantial compliance with all terms and conditions of the SUP/license can be maintained by the original permittee until transfer of ownership or death of the permittee and his or her legal spouse, at which time such facilities must be removed from Hartwell Lake.

**b. Public Law.** Section 1134(d) of Public Law 99-662 prohibits the forced removal of previously authorized docks and appurtenant structures in place on November 17, 1986, provided the conditions below are met. Public Law protected facilities, as originally permitted, can be reissued to new owners. With the exception of gangwalks, public law protected docks cannot be enlarged.

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

**c. Roads, Ramps, Turnarounds, and Other Facilities.** The construction of new roads, ramps, turnarounds, land-based boathouses, marine ways, fixed gangwalks, pump houses, picnic shelters, and patios has been prohibited for many years. Existing roads and turnarounds may be repaired to the original dimensions and with the same material as originally permitted. Launching ramps must maintain the same width and material, but can be extended during low water conditions in accordance with an approved request.

**16. Facility Maintenance.** Permitted/licensed facilities must be operated, used, and maintained by the permittee in a safe, healthful condition. If determined unsafe, such facilities will be corrected within 30 days, or removed, at the owner's expense. A new SUP/license can be considered when the current SUP/license expires or when ownership of the adjacent private property, to which a SUP/license is assigned, changes (see paragraph 15, Prior Commitments/Public Law for exceptions). SUP/license issuance requires the applicant to certify in writing that all permitted/licensed facilities and activities are, and will be maintained, in accordance with the SUP/license Conditions as outlined in Exhibit I, Shoreline Use Permits and Exhibit II, License Conditions. Inspections will be conducted by USACE personnel to verify compliance and to promote public safety. By making such inspections, the USACE assumes no liability or responsibility for any accident associated with the facility. Violations of the terms and conditions of the SUP/license and/or actions inconsistent with Title 36, Code of Federal Regulations, may result in the issuance of a Violation Notice requiring the payment of a fine or an appearance before the U.S.

Magistrate, restitution, and/or revocation of all or part of the SUP/license. Major non-compliance and/or severe cases of destruction of public land may also result in a moratorium on public land preventing consideration of any new SUP/license until compliance and/or restoration has been achieved to a condition satisfactory to the Operations Project Manager. The USACE assumes no liability or responsibility for the safety of individuals using any facility authorized by a SUP/license or engaged in any activity authorized by a SUP/license on public land. The permittee assumes full liability and responsibility for the safe conduct of the activity and, in regards to facilities, must certify the safety of the structure(s) and any associated electrical wiring.

## **17. Specified Acts/Department of Army Permits.**

**a. Specified Acts Permits.** A Specified Acts Permit is a non-fee, short-term permit issued for a specified time period for minor activities on project lands/waters. The permit will detail the authorized work including types of equipment to be used, time frame for completing the work, and restoration to public land. Drawings, plans, or photographs may be required to process the permit. If the location of a dead tree endangers life or property, a Specified Acts Permit may be issued to the adjacent land owner to cut and/or remove the tree from public property. Dead trees play an important role within the natural ecosystem by providing habitat for wildlife. Please note, violation of the terms and conditions of such permits may result in the issuance of a Violation Notice requiring the payment of a fine, appearance before the U.S. Magistrate, restitution, revocation of all or part of the SUP/license, and/or a moratorium on public land preventing consideration of a new SUP/license. Length of moratoriums will be determined based on the regeneration/restoration of the affected public land to the satisfaction of the Operations Project Manager.

**b. Department of the Army Permits.** The USACE's Regulatory's jurisdiction under Section 404 of the Clean Water Act applies to material placed below the ordinary high water mark, which at Hartwell Lake is 660 ft. MSL. Savannah District uses Programmatic General Permits for activities that would require Regulatory permits for silt removal, placement of riprap, construction of retaining walls or implementing bioengineering methods. Contact the Operations Project Manager's Office for application procedures.

**(1) Dredging.** Limited removal of accumulated silt material will be considered by the Operations Project Manager's Office only if practical access to the site is available, as determined by a Ranger. Application forms for the limited removal of deposited silt material may be obtained at the Operations Project Manager's Office and must be approved prior to initiating work. Dredging below the original lake contour (into hardpan) for the benefit of private exclusive use will not be authorized. Water wetland transition areas provide habitat for wildlife feeding and nesting as well as fish spawning and nursery areas. These areas will be taken into consideration for project approval.

**(2) Shoreline Protection.** Minor shoreline protection activities may be locally authorized by the Operations Project Manager. These activities can include retaining walls, riprap, and bioengineering methods. Methods that provide additional aquatic habitat, such as riprap and bioengineering, are preferred. Application forms for riprap and retaining walls may be obtained from the Operations Project Manager's Office. Some unique designs may require certification by a state licensed engineer. Bioengineering proposals must be submitted by the requesting party and include detailed plans. All bank stabilization proposals must be approved by the Operations Project Manager prior to initiating any work.

**18. Shoreline Tie-Up.** Historically, temporary shoreline tie-up is defined as the moorage of private boats along the shoreline (excluding Prohibited Access Areas, paragraph 8d) for the period of time that the boat was actively being used during day outings, overnight island camping, or developed campground camping. Due to increased development and use of Hartwell Lake and conflicts that have arisen, shoreline tie-up, for the continued mooring of a boat to the shoreline for more than 48 hours is prohibited. Permanent mooring devices such as posts, stationary platforms, etc., are prohibited. In accordance with Title 36, Code of Federal Regulations, boats are to be moored at designated locations only. Permitted floating facilities (individual/community docks, mooring buoys) and commercial marinas are designated for boat moorage on Hartwell Lake.

**19. Easements.** In addition to lands purchased in fee title, the United States (USACE) purchased easements on some portions of private land surrounding Hartwell Lake. The most common easements in place give the United States Government a perpetual right to occasionally overflow, flood, and submerge properties which lie within certain mean sea level elevations. Other types of easements do exist and landowners around Hartwell Lake are encouraged to investigate easement conditions which encumber private property before purchasing and beginning construction. Information on easements is available at the Operations Project Managers Office.

**20. Boundary Line and Encroachments.**

**a. Boundary Line.** The Hartwell Lake boundary line, established and marked by the USACE in accordance with standard survey techniques, include painted hacks and blazes on witness trees as detailed in Exhibit XII, Hartwell Project Boundary Line. In open areas where the distance between corners is such that monuments or pins are not visible, posts with signs may be placed by the USACE to witness the line. The USACE implemented a boundary line maintenance program in which the line is repainted every 3 to 5 years. The painted trees (witness trees) do not represent the exact line, but rather indicate the proximity of the government line. It is the responsibility of the adjacent landowner to identify his/her property line. The USACE will provide information concerning the boundary line, if needed, to assist with any surveys. Any discrepancies identified by a survey should be resolved with the Operations Project Manager.

**b. Encroachments.** Other than pedestrian access or general public recreational activities, any activity on public property not covered by a SUP/license or a Specified Acts Permit constitutes a trespass, encroachment, or degradation of public property and a violation of Title 36 CFR Part 327.30. Examples of encroachments or degradation include, but are not limited to: motorized vehicle operation, burning, tree cutting, the placement of debris or fill dirt, dog pens, swings, patios, decks, roof overhangs, pools, sheds, houses, and other structures. Violations of this nature will result in removal, restitution, and/or issuance of a Violation Notice requiring the payment of a fine or an appearance before the U.S. Magistrate. Severe cases of destruction of public land may result in a moratorium on public land preventing the issuance of a new SUP/license or renewal of an existing SUP/license until the affected area regenerates to a condition satisfactory to the Operations Project Manager. Initial Shoreline Use SUPs/licenses will not be considered until identified encroachments are resolved. The re-issuance of existing SUPs to the same and/or new owner will be delayed and/or denied pending an encroachment resolution plan and time line. If encroachments are not corrected within the term of such SUPs, the SUP will not be re-issued and all previously authorized facilities/activities will have to be removed from public land.

**21. Special Considerations.** The use of motorized equipment on public land is prohibited unless in compliance with Specified Acts Permits or other site specific SUPs such as bank stabilization, walkway construction, and utility installations. Unauthorized use of equipment resulting in damage to public land may result in fines, SUP cancellations, non-issuance of SUPs, restitution, moratoriums, or any combination thereof. Permittees and contractors will be held responsible for damage to public land resulting from unauthorized equipment use.

**22. Shoreline Management Violations.** Rules and regulations governing the shoreline management program are enforced through Title 36 CFR Part 327.30. Violations require corrective action and may constitute revocation or modification of SUP privileges, payment of collateral forfeiture, mandatory appearance before a U.S. magistrate or stronger enforcement action. Generally, violations are noted and addressed when facilities/activities are inspected prior to either renewing the SUP or reassigning the SUP to a new owner. However, violations may be noted during routine inspections of the shoreline and addressed at any time.

**23. Administrative Review and Appeal.** The District Commander may revoke a SUP whenever it is determined that the public interest necessitates such revocation or when determined that the permittee has failed to comply with the conditions of the SUP. The permittee will be notified by certified mail. The revocation notice shall specify the reason for such action. If the permittee makes a written request for a hearing within 30 days of delivery of the notice, the District Commander shall grant such a hearing at the earliest opportunity. In no event shall the hearing date exceed 60 days from the date of the hearing request.

**24. Natural Resource Management.** The goal of the natural resources management program is to provide outdoor recreation opportunities consistent with project purposes while sustaining natural and cultural resources. The Resource Management Staff will implement programs to support this goal while emphasizing the unique qualities, characteristics, and potentials of Hartwell Lake. Authorized activities may be limited, or in some instances denied, if impacts to threatened/endangered species or sensitive areas cannot be eliminated or mitigated.

**25. Cultural/Historical/Archaeological Resources.** The goal of the Hartwell Lake cultural resource management program is to protect and preserve archaeological and historic resources for the benefit of future generations. Another goal of the cultural resource management program is to minimize the impact of resource management, public recreation, and shoreline management on cultural resources at Hartwell Lake. Authorized activities may be limited, or in some instances denied, if impacts to cultural resources cannot be eliminated or mitigated.

**26. Conclusions.** It is the intent of the Hartwell Lake SMP to provide optimum recreational benefits to the public, minimize conflicts between various interests, and to protect the resource. In developing the SMP, both present and future recreational needs within the authorized purposes of the project, as well as protection of the resource were considered. In accordance with ER 1130-2-406, the District Commander may make minor revision to this plan when the revisions are consistent with policy. This Plan will be evaluated for major revisions as needed. In advance of recommending any major revision to this Plan, additional public involvement will occur. Further information may be obtained by calling the Hartwell Operations Project Manager's Office locally at (706) 856-0300 or toll free at (888) 893-0678. This SMP is also available at <https://go.usa.gov/xENA5>.

## **27. References**

- a. Section 4, 1944 Flood Control Act, as amended (USC460d).
- b. The National Environmental Policy Act of 1969, (42 U.S.C. 4321 et seq.).
- c. Section 404 of the Clean Water Act of 1977, (33 U.S.C. 1344).
- d. Title 36, Chapter III, Part 327, Code of Federal Regulations, Rules and Regulations Governing Public Use of Water Resources Development Lakes Administered by the Chief of Engineers.
- e. Executive Order No. 12088, Federal Compliance with Pollution Control Standards.
- f. Title 33, Chapter II, Part 323, Code of Federal Regulations, Permits for Discharges of Dredged or Fill Material into Waters of the United States.

- g. Section 6, Public Law 97-140, December 29, 1981, 95 Stat. 1718.
- h. Section 1134(d) Water Resources Development Act of 1986, Public Law 99-662, 100 Stat. 4251 Executive Order 11990, Protection of Wetlands
- i. Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
- j. Executive Order No. 11644, Use of Off-Road Vehicles on Public lands.
- k. National Historic Preservation Act of 1966, as amended (16 USC 470 et seq.).
- l. Endangered Species Act of 1973, as amended. Federal Insecticide, Fungicide, and Rodenticide Act of 1972, as amended).
- m. ER 1130-2-406, Shoreline Management at Civil Works Projects.
- n. ER 1130-2-540, Environmental Stewardship and Maintenance Guidance and Procedures.
- o. ER 405-1-12, Chapter 8, Real Estate Handbook.
- p. DR 1130-15-1, Shoreline Management at South Atlantic Division Civil Works Projects (1 December 2015).
- q. Federal Insecticide, Fungicide, and Rodenticide Act, (7 U.S.C. § 136 *et seq.*
- r. Executive Order No. 11990, Protection of Wetlands (24 May 1977), as amended by Section 28 of Executive Order 12608, "Elimination of Unnecessary Executive Orders and Technical Amendments to Others" (9 September 1987).

12 Encls  
Exhibits I-XII

DANIEL H. HIBNER, PMP  
Colonel, EN  
Commanding



# SHORELINE USE 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 or floats is prohibited. Existing floats are authorized until it or its flotation material is no longer serviceable, at which time it shall be replaced with a float that meets the conditions listed above. For any floats installed after the effective date of this specification, repair or replacement shall be required when it or its flotation material no longer performs its designated function or it fails to meet the specifications for which it was originally warranted.
15. Permitted facilities and activities are subject to periodic inspection by authorized Corps representatives. The resource manager will notify the permittee of any deficiencies and together establish a schedule for their correction. No deviation or changes from approved plans will be allowed without prior written approval of the resource manager.
16. Floating facilities shall be securely attached to the shore in accordance with the approved plans by means of moorings which do not obstruct general public use of the shoreline or adversely affect the natural terrain or vegetation. Anchoring to vegetation is prohibited.
17. The permit display tag shall be posted on the permitted facility and/or on the land areas covered by the permit so that it can be visually checked with ease in accordance with instructions provided by the resource manager.
18. No vegetation other than that prescribed in the permit will be damaged, destroyed or removed. No vegetation of any kind will be planted, other than that specifically prescribed in the permit.

19. No change in land form such as grading, excavation or filling is authorized by this permit.
20. This permit is non-transferable. Upon the sale or other transfer of the permitted facility or the death of the permittee and his/her legal spouse, this permit is null and void.
21. By 30 days written notice, mailed to the permittee by certified letter, the district commander may revoke this permit whenever the public interest necessitates such revocation or when the permittee fails to comply with any permit condition or term. The revocation notice shall specify the reasons for such action. If the permittee requests a hearing in writing to the district commander through the resource manager within the 30-day period, the district commander shall grant such hearing at the earliest opportunity. In no event shall the hearing date be more than 60 days from the date of the hearing request. Following the hearing, a written decision will be rendered and a copy mailed to the permittee by certified letter.
22. Notwithstanding the conditions cited in condition 21 above, if in the opinion of the district commander, emergency circumstances dictate otherwise, the district commander may summarily revoke the permit.
23. When vegetation modification on these lands is accomplished by chemical means, the program will be in accordance with appropriate Federal, state and local laws, rules and regulations.
24. The resource manager or his/her authorized representative shall be allowed to cross the permittee's property, as necessary to inspect facilities and/or activities under permit.
25. When vegetation modification is allowed, the permittee will delineate the government property line in a clear, but unobtrusive manner approved by the resource manager and in accordance with the project Shoreline Management Plan.
26. If the ownership of a permitted facility is sold or transferred, the permittee or new owner will notify the Resource Manager of the action prior to finalization. The new owner must apply for a Shoreline Use Permit within 14 days or remove the facility and restore the use area within 30 days from the date of ownership transfer.
27. If permitted facilities are removed for storage or extensive maintenance, the resource manager may require all portions of the facility be removed from public property.

**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, 1998.
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.

**DEPARTMENT OF THE ARMY LICENSE**  
**Hartwell Lake**  
**Hartwell, Hart 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 **11/1/2018** and ending **10/31/2023**, but revocable at will by the Secretary.

**2. CONSIDERATION**

The grantee shall pay in advance to the United States the amount of     **Dollars and NO/100** in full for the term hereof, payable to the order of the Finance and Accounting Officer, **Savannah District** and delivered to **Hartwell Lake / 5625 Anderson Hwy, Hartwell, Hart County, GA**.

**3. ADMINISTRATIVE FEE**

The grantee shall pay in advance to the United States an administrative fee in the amount of        **Dollars and NO/100** in full for the term hereof, payable to the order of the Finance and Accounting Officer, **Savannah District** and delivered to **Hartwell Lake / 5625 Anderson Hwy, Hartwell, Hart County, GA**.

**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, **Hartwell Lake, 5625 Anderson Hwy, Hartwell, Hart County, GA**; 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, **Hartwell 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 **Hartwell Lake** Shoreline Management Plan dated **1/30/2007** 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:

- Improved Walkway
- Anchorage

**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.

**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  
Savannah District

**THIS LICENSE** is executed by the grantee this \_\_\_\_ day of \_\_\_\_\_.

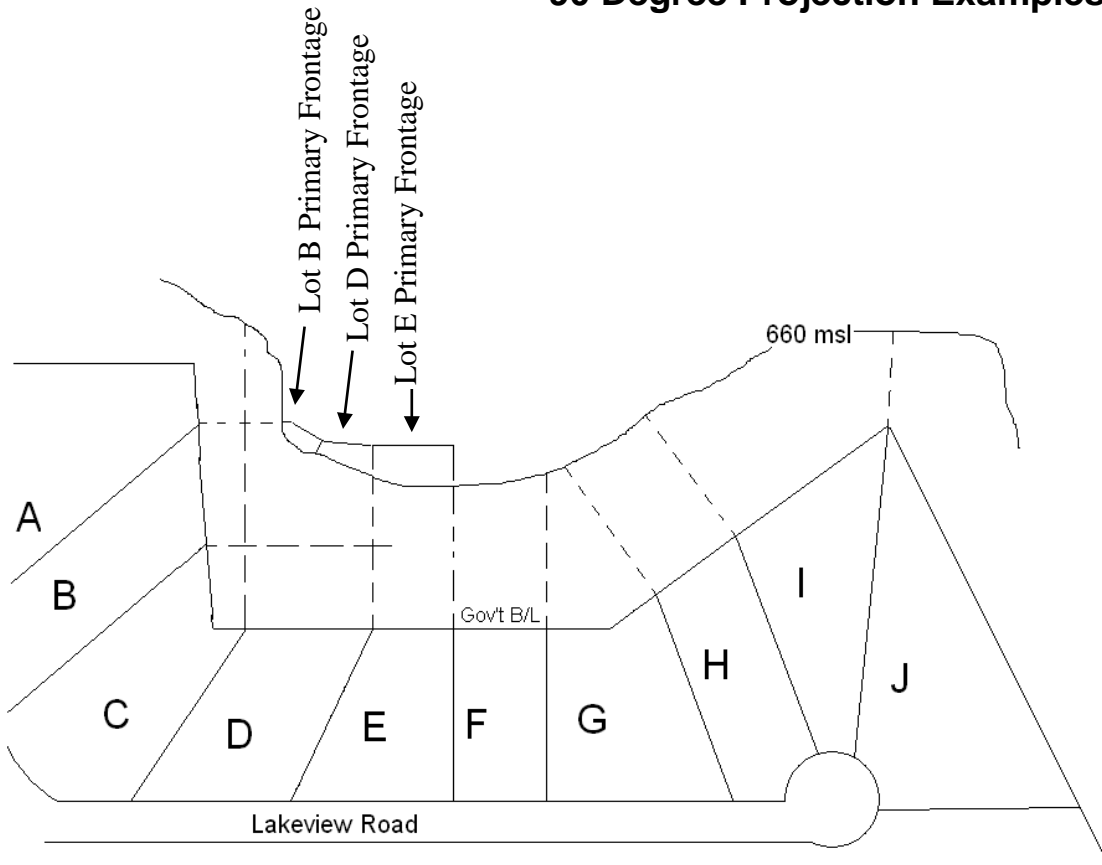
Note: Grantee must **sign and date prior** to RECO signature.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
GRANTEE PRINTED NAME

### EXHIBIT III

#### 90 Degree Projection Examples



\*This example depicts a subdivision adjacent to a “Limited Development” (Green) area with adequate water for docks.

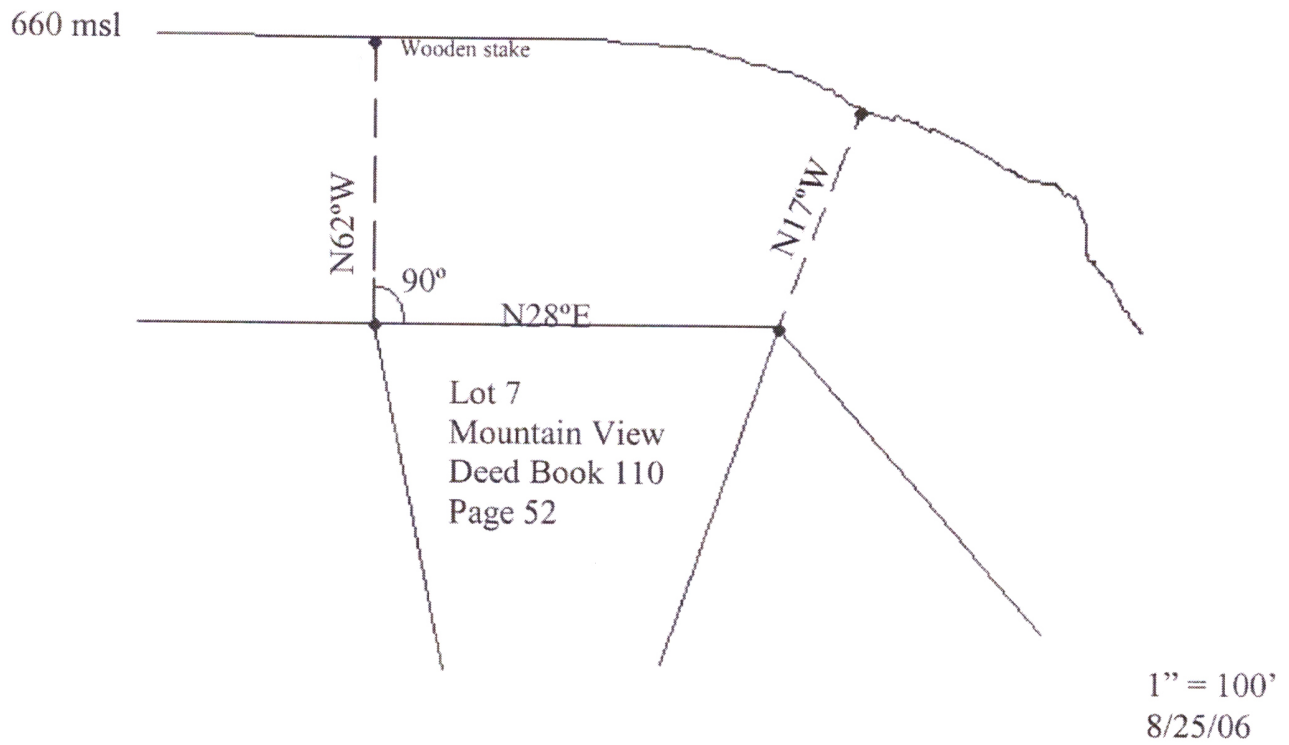
1. The primary frontage for each lot is determined by projecting a 90° angle from the government boundary line (which is known as the “common boundary”) to 660 msl; it is not an extension of private lot lines. If the 90-degree projection bisects/crosses other frontage areas, previously permitted areas, or private property before it reaches 660 msl, the property will not qualify for shoreline use permits.
2. Lots A & E through H have standard primary frontage areas.
3. Lots B & D both have limited frontage and share the “water area”. If there is only enough room for one dock at this location, dock will be issued on a first come/first served basis.
4. Lot C is not dockable since it’s 90° projections bisect the primary frontages of other lots before it reaches 660 msl.
5. Lots I & J represent a point lot where projection is split between the two lots.

## Exhibit IV

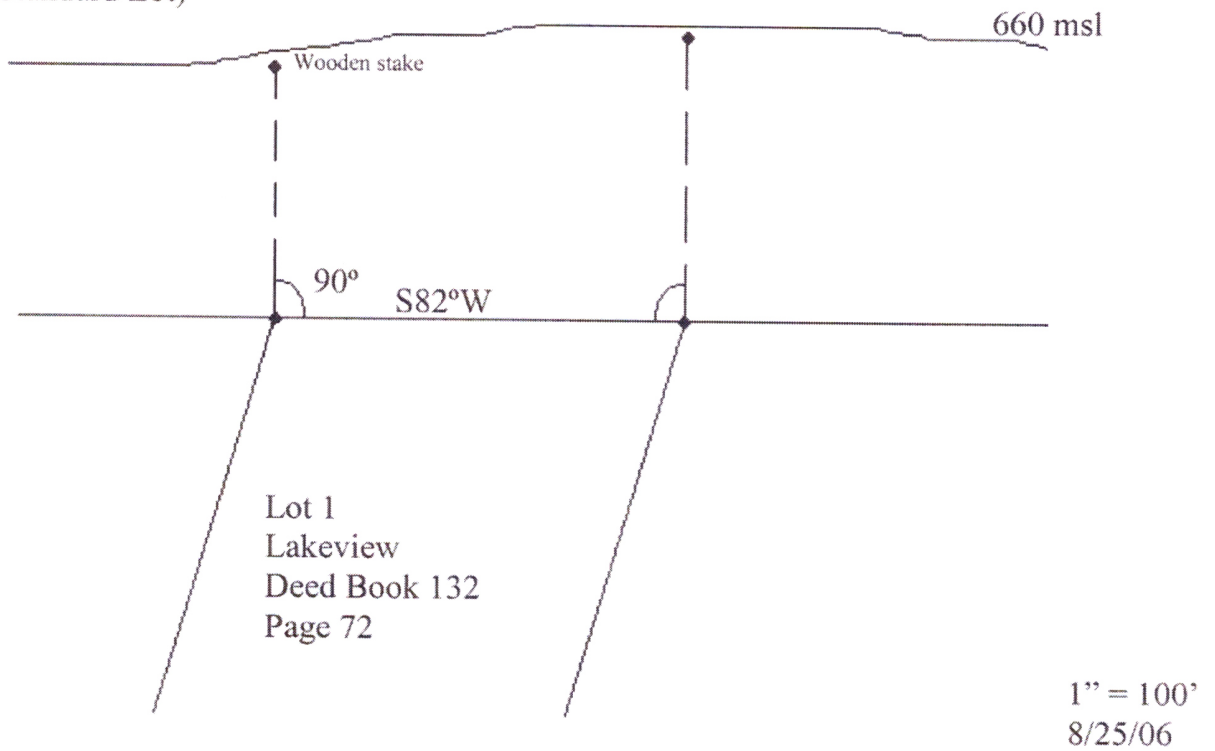
### Projection Documentation Criteria/Examples

1. Must be submitted on 8 ½ by 11 inch sheet for individual lots. Larger tracts may be submitted on larger paper.
2. Scale should be 1 inch equals 100 feet for standard individual lots. Larger tracts may require different scale.
3. Elevation 660 msl should be identified.
4. Rebar pin with cap to be installed where projections intersect with 660 msl (or at current lake level during high water conditions).
5. Projection documentation must be completed by registered land surveyor and include date of survey.
6. Projection documentation must identify subject lot (i.e. Lot &, Sandy Heights, as recorded in Deed Book \_\_, Page \_\_, \_\_\_\_\_(County). \*\*The projection documentation itself does not need to be recorded, but must reference the recordation of the subject lot/property.\*\*
7. Bearing of common boundary line (from which projections originate from) must be identified.
8. Boat docks and other facilities should **NOT** be shown.

### Example 1 (Point Lot)

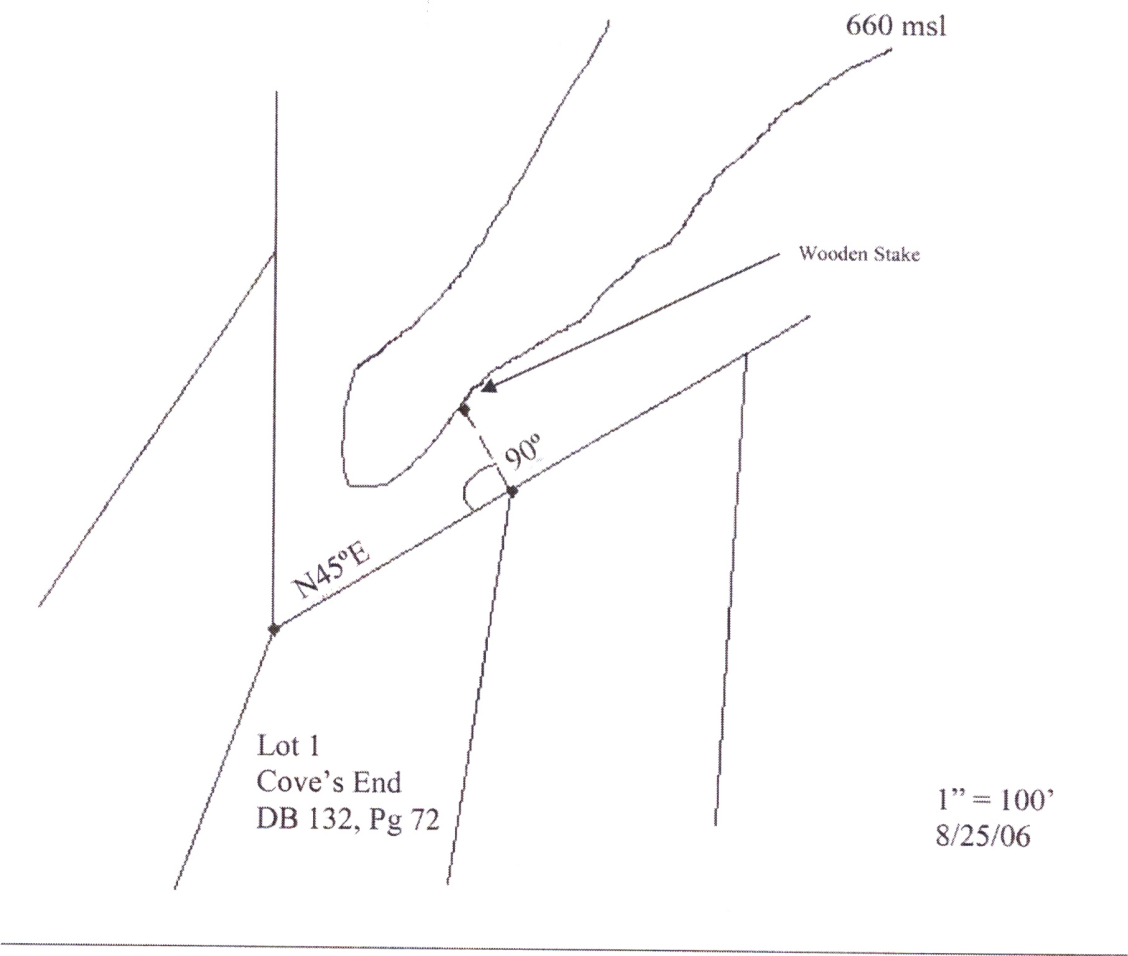


### Example 2 (Standard Lot)



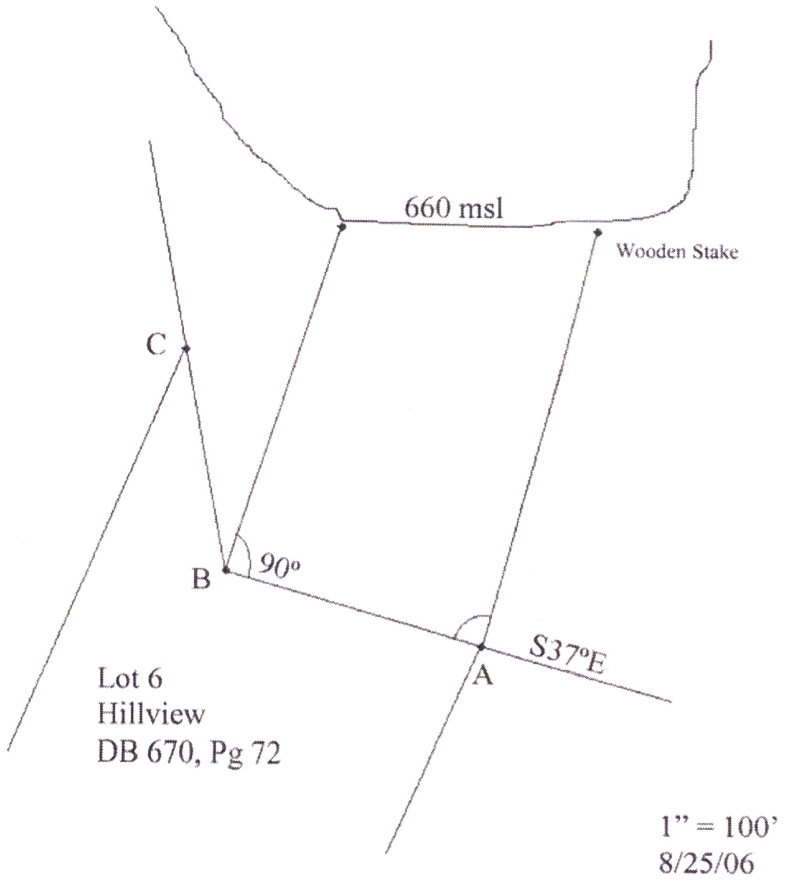


Example 3



Example 4

\*Since a 90° projection from point C does not intersect 660 msl prior to intersecting other permitted areas, it does not need to be shown.



# EXHIBIT V

## Dock Length Restrictions

### Examples

\*Example depicts property adjacent to "Limited Development" area.

1. Although there is 200' between 660 msl on each side of cove, Lot B would be limited to 1/3 of 90' (30' total length) due to shoal area.
2. The dock shown adjacent to Lot E would not be approved as it blocks access to cove. A shorter overall structure could be considered.

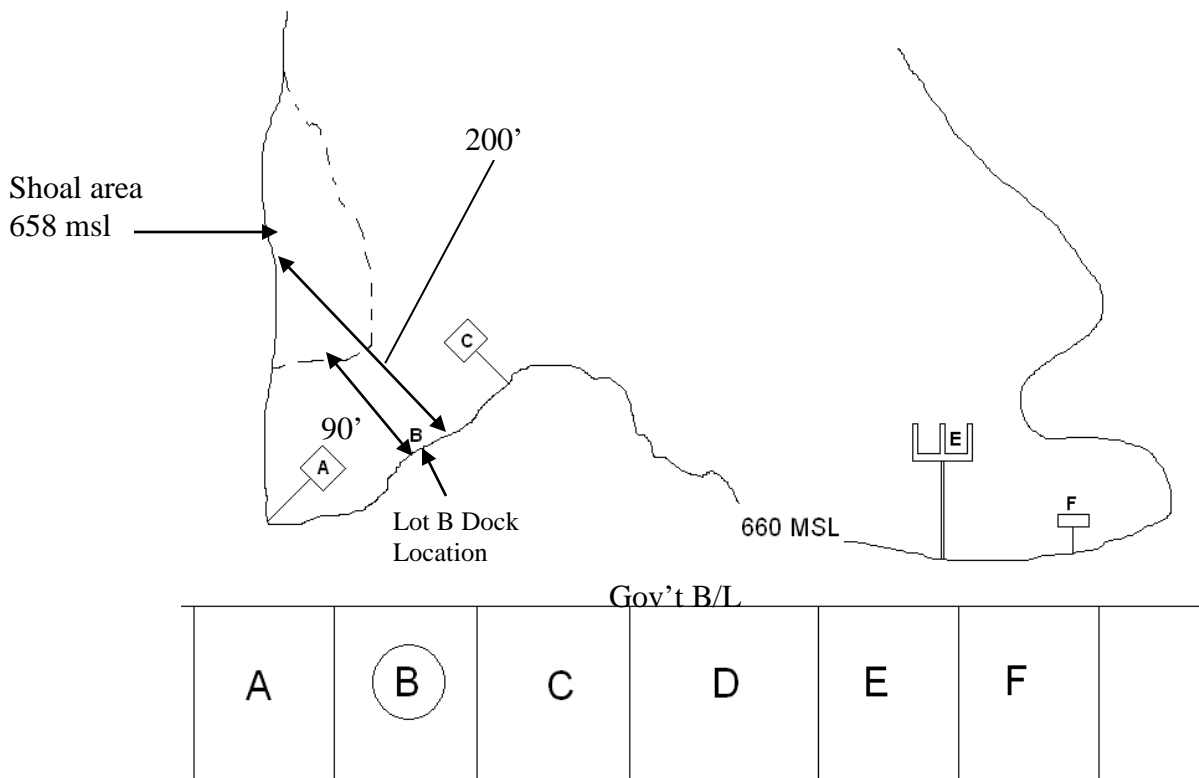


EXHIBIT VI  
Community Dock Association Agreement

The purpose of this document is to emphasize requirements for which members of the (Name of Respective Homeowners Association)

are responsible for adhering to in relation to maintaining a Shoreline Use Permit/License for a community dock and related facilities and activities on public land and waters adjacent to the development known as (Name of Subdivision/Development). "WE" refers to all members of said association.

WE understand that the ability to maintain a community dock on Hartwell Lake is a privilege dependent upon compliance with all Shoreline Use Permit/License conditions and Hartwell Project Shoreline Management policy including those associated with the installation/establishment and maintenance of improved walkway(s), utilities and underbrushing and those associated with encroachments of structures, personal property, and/or vegetation onto public land.

WE understand that violations by any one member may result in the loss of all or part of the above noted privileges to all members.

WE understand that the (Name of subject community dock) is approved based on the attached development plan dated \_\_\_\_\_, as recorded in the \_\_\_\_\_ County Courthouse at (Deed Book and Page No.), and that any changes made to the said development plan may result in the cancellation and/or modification of the Shoreline Use Permit/License authorizing said dock.

WE understand that one member, as designated/appointed/elected in accordance with accepted by-laws, will act as the point of contact between the "Association" and the US Army Corps of Engineers Hartwell Project. WE further understand that it is a requirement to notify the Hartwell Project Office in writing of any changes to the point of contact information, including name, mailing address, and phone number.

WE understand that the point of contact will act on behalf of all members and that a change in the point of contact does not relieve the Association from complying and adhering to all applicable rules, regulations and policies related to the subject Shoreline Use Permit/License.

WE understand the point of contact is responsible for informing all members of applicable rules, regulations and policies, but that failure of the point of contact to do so does not relieve the Association from its responsibilities to comply with all such rules, regulations and policies and does not relieve the Association from consequences for noncompliance.

WE understand that any actions on public land related to the community dock(s) and/or other facilities/activities must be coordinated with the US Army Corps of Engineers, Hartwell Project prior to any work being initiated.

WE accept this agreement the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

---

Name of Association

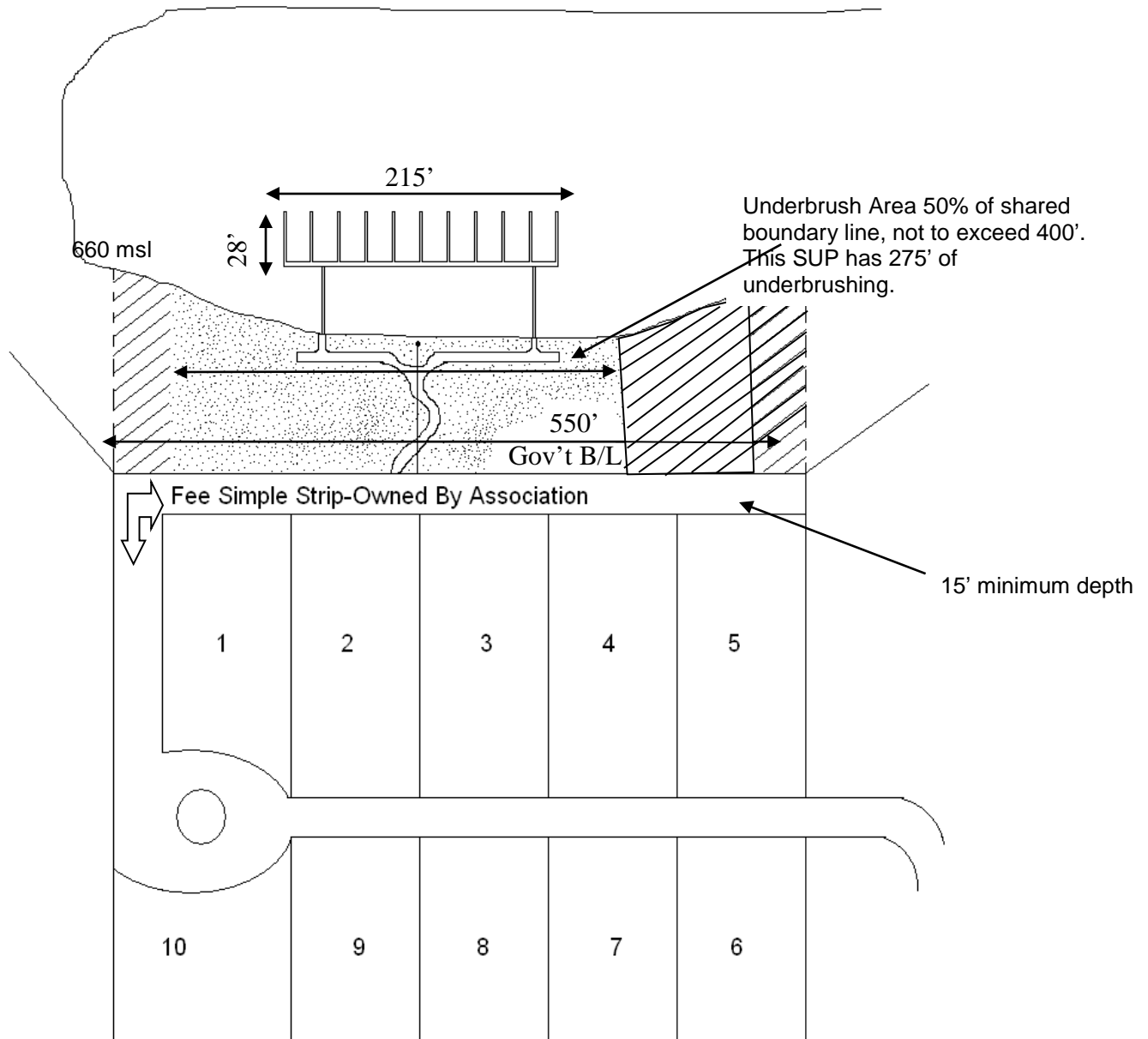
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Printed Name – Point of Contact

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Signature of Point of Contact

**EXHIBIT VII**  
**Community Dock**  
**Example**



This example represents a development that owns 550' of boundary line that is considered dockable. As a result, they qualify for a maximum 6,050 square foot community dock (550' X 11 sq. ft. = 6,050). Since there are 10 individual, practical lots, the dock can have a maximum of 10 slips.

This is one of many possible options. For example, lots could be smaller, increasing total number, or it could be a multi-residential development. Multi-residential developments would not require fee simple strip.

## **EXHIBIT VIII**

### **The Value of Shoreline Vegetation**

Shoreline vegetation is extremely important because of the many functions it serves, a few of which are outlined below. To maintain a quality resource, sound management is necessary to protect and preserve a healthy vegetative buffer adjacent to water bodies such as Hartwell Lake.

### **Shoreline Stabilization and Water Quality Protection**

The roots of trees and shrubs along the shoreline help hold soils in place, preventing erosion. The layers of vegetation present in a natural shoreline provide multiple layers of protection for the soil from the adverse impacts of hard rainfalls by slowing the velocity of the raindrops, resulting in less impact force when they strike the ground. The resulting slower rainfalls result in less granulation of the soil and less movement of soil particles off site (erosion). The loss of soil nutrients is high in erosion, as the finer grained particles, which are the first to be washed away, are also the highest in fertility. The more small soil particles preserved by a protective buffer of shoreline vegetation, the higher the soil fertility.

Shoreline vegetation also traps sediment and pollutants, helping keep the water clean. Vegetative buffers provide an area where chemicals, pesticides, and fertilizers can decompose, rather than placing a load on the water body. Toxic pesticides are converted to non-toxic forms through biodegradation which occurs in the vegetative buffer. Nitrogen applied as fertilizer can be converted into organic matter, and later decomposed and released into the air, rather than flowing directly into the lake resulting in adverse effects to water quality.

### **Thermal Cover and Temperature Moderation**

A vegetative buffer shields a water body from summer temperature extremes, thus moderating the temperature of the water body. The cover of leaves and branches brings welcome shade, which provides a cooler area for aquatic life. Cooler areas hold more dissolved oxygen, which fish need to breathe. Shoreline vegetation also provides an area of filtration of storm water runoff, thereby increasing recharge of ground water. Later releases of flow from ground water to the lake occurs on a gradual basis and is cooler than overland flows. The entry of this cooler water into the lake also helps to moderate the water temperature, making it less stressful to aquatic life.

### **Wildlife Habitat and Food Chain Support**

Many wildlife species use shoreline areas during all or part of their life cycle. Shoreline vegetation provides food, cover, nesting, and sanctuary for these animals. For example, 80% of the bird population around Hartwell Lake nests within 15 feet of the ground, making underbrush vitally important to their survival. These vegetative buffers also form the foundation of the wildlife food chain by providing a basic food source for insects and smaller birds and animals.

In addition to the above justifications for maintaining a healthy vegetative buffer around the Hartwell Project, shoreline vegetation is essential for maintaining the natural beauty of the lake and adding to aesthetic enjoyment. The Corps of Engineers is committed to protecting and preserving the shoreline vegetation at Hartwell Lake to ensure resource protection and enjoyment for future generations.

Exhibit IX  
Approved Native Plant List

Native plants for the shoreline zone located "below" the rip-rap (zone of greatest periodic inundation)				
			Common	Native plant
Zone below rip-rap (continuous inundation)			Nursery Plant	Nursery
Bald Cypress	<i>Taxodium distichium</i>	tree	yes	
Water Tupelo	<i>Nyssa aquatica</i>	tree		yes
Overcup Oak	<i>Quercus lyrata</i>	tree	yes	
Button bush	<i>Cephalanthus occidentalis</i>	shrub		yes
Maidencane	<i>Panicum hemitomon</i>	grass		yes
Water willow	<i>Justicia americana</i>	herb		yes
Native plants that can be seasonally inundated (grow within rip-rap)			Common	Native plant
			Nursery Plant	Nursery
Black willow	<i>Salix nigra</i>	tree		yes
Red Maple	<i>Acer rubrum</i>	tree	yes	
Tag Alder	<i>Alnus serrulata</i>	shrub/tree		yes
River Birch	<i>Betula nigra</i>	tree	yes	
Persimmon	<i>Diospyros virginiana</i>	tree		yes
Silky dogwood	<i>Cornus amomium</i>	shrub/tree		yes
Summersweet	<i>Clethra alnifolia</i>	shrub	yes	
Titi	<i>Cyrilla racemiflora</i>	shrub		yes
Scarlet mallow	<i>Hibiscus coccineus</i>	shrub		yes
Rose mallow	<i>Hibiscus lasiocarpus</i>	shrub		yes
Halberd-leaf mallow	<i>Hibiscus militaris</i>	shrub		yes
Swamp Rose mallow	<i>Hibiscus moucheutos</i>	shrub		yes
Virginia willow	<i>Itea virginica</i>	shrub	yes	
common rush	<i>Juncus effusus</i>	grass-like	yes	
Maidencane	<i>Panicum hemitomon</i>	grass		yes
Switchgrass	<i>Panicum virgatum</i>	grass	yes	

Native plants for the splash zone (moist soil; usually not eroded)			Common	Native plant
			Nursery Plant	Nursery
Boxelder	<i>Acer negundo</i>	tree		yes
Red maple	<i>Acer rubrum</i>	tree	yes	
Chalk maple	<i>Acer leucoderma</i>	tree	yes	
Tag alder	<i>Alnus serrulata</i>	tree/shrub		yes
River Birch	<i>Betula nigra</i>	tree	yes	
Atlantic white cedar	<i>Chamaecyparis thyoides</i>	tree	yes	
Silky dogwood	<i>Cornus amomum</i>	tree/shrub		yes
Persimmon	<i>Diospyros virginica</i>	tree		yes
Carolina silverbell	<i>Halesia tetraptera</i>	tree/shrub	yes	
Overcup oak	<i>Quercus lyrata</i>	tree	yes	
Water oak	<i>Quercus nigra</i>	tree	yes	
Pin oak	<i>Quercus phellos</i>	tree	yes	
Black willow	<i>Salix nigra</i>	tree		yes
Bald cypress	<i>Taxodium distichium</i>	tree	yes	
Button bush	<i>Cephalanthus occidentalis</i>	shrub		yes
Summer sweet	<i>Clethra alnifolia</i>	shrub	yes	
native mallows	<i>Hibiscus spp</i>	shrub		yes
Wax myrtle	<i>Myrica cerifera</i>	shrub	yes	
Elderberry	<i>Sambucus canadensis</i>	shrub		yes
Common rush	<i>Juncus effusus</i>	grass-like	yes	
Maidencane	<i>Panicum hemitomom</i>	grass		yes
Switchgrass	<i>Panicum virgatum</i>	grass	yes	



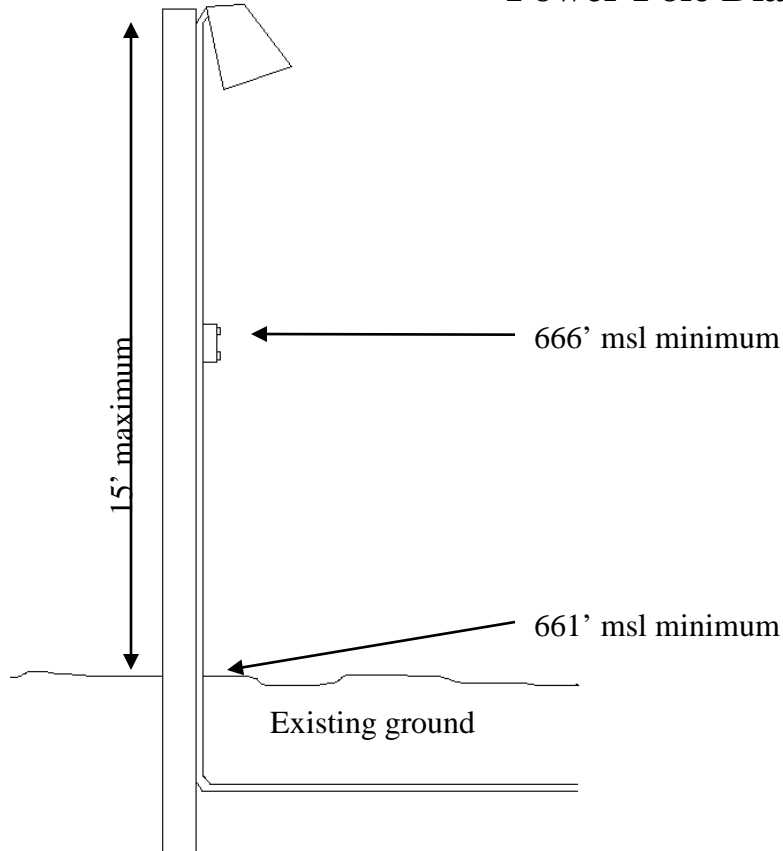
Native trees for the UPLAND (soils not influenced by lake level)			
	Trees for canopy		Nursery Plant
American holly	<i>Ilex opaca</i>	evergreen tree >50'	yes
Eastern red cedar	<i>Juniperus virginiana</i>	evergreen tree >50'	yes
Southern magnolia	<i>Magnolia grandiflora</i>	evergreen tree >50'	yes
Shortleaf pine	<i>Pinus echinata</i>	evergreen tree >50'	yes
Loblolly pine	<i>Pinus taeda</i>	evergreen tree >50'	yes
Virginia pine	<i>Pinus virginiana</i>	evergreen tree >50'	yes
Eastern hemlock	<i>Tsuga canadensis</i>	evergreen tree >50'	yes
Southern sugar maple	<i>Acer barbatum</i>	deciduous tree >50'	yes
Red maple	<i>Acer rubrum</i>	deciduous tree >50'	yes
River birch	<i>Betula nigra</i>	deciduous tree >50'	yes
Shagbark hickory	<i>Carya ovata</i>	deciduous tree >50'	yes
Beech	<i>Fagus grandifolia</i>	deciduous tree >50'	yes
White ash	<i>Fraxinus americana</i>	deciduous tree >50'	yes
Sweetgum	<i>Liquidambar styraciflua</i>	deciduous tree >50'	yes
Tulip poplar	<i>Liriodendron tulipifera</i>	deciduous tree >50'	yes
Cucumbertree	<i>Magnolia acuminata</i>	deciduous tree >50'	yes
Sweet swampbay	<i>Magnolia virginiana</i>	deciduous tree >50'	yes
Blackgum	<i>Nyssa sylvatica var sylvatica</i>	deciduous tree >50'	yes
White oak	<i>Quercus alba</i>	deciduous tree >50'	yes
Southern red oak	<i>Quercus falcata</i>	deciduous tree >50'	yes
Swamp chestnut oak	<i>Quercus michauxii</i>	deciduous tree >50'	yes
Willow oak	<i>Quercus phellos</i>	deciduous tree >50'	yes
Shumard red oak	<i>Quercus shumardii</i>	deciduous tree >50'	yes
Post oak	<i>Quercus stellata</i>	deciduous tree >50'	yes
Black oak	<i>Quercus velutina</i>	deciduous tree >50'	yes
Bald cypress	<i>taxodium distichum</i>	deciduous tree >50'	yes
Basswood	<i>Tilia americana</i>	deciduous tree >50'	yes

Native understory plants for the UPLAND (soils not influenced by lake level)			Common	Native plant
			Nursery Plant	Nursery
Chalk maple	<i>Acer leucoderma</i>	tree about 15'	yes	
Red buckeye	<i>Aesculus pavia</i>	shrub less than 15'	yes	
Hazel alder	<i>Alnus serrulata</i>	tree/shrub about 15'		yes
Serviceberry	<i>Amelanchier arborea</i>	tree about 15'	yes	
Devil's walkingstick	<i>Aralia spinosa</i>	shrub less than 15'		yes
Pawpaw	<i>Asimina triloba</i>	tree about 15'		yes
Musclewood	<i>Carpinus caroliniana</i>	tree about 15'	yes	
Redbud	<i>Cercis canadensis</i>	tree about 15'	yes	
Fringetree	<i>Chionanthus virginicus</i>	tree about 15'	yes	
Flowering Dogwood	<i>Cornus florida</i>	tree about 15'	yes	
Parsley hawthorn	<i>Crataegus marshallii</i>	tree/shrub about 15'		yes
Common persimmon	<i>Diospyros virginiana</i>	tree about 15'		yes
Two-winged silverbell	<i>Halesia diptera</i>	tree about 15'	yes	
Witchhazel	<i>Hamamelis virginiana</i>	shrub about 15'	yes	
Possumhaw	<i>Ilex decidua</i>	shrub about 15'	yes	
Ironwood	<i>Ostrya virginiana</i>	tree about 15'	yes	
Sourwood	<i>Oxydendrum arboreum</i>	tree about 15'		yes
Winged sumac	<i>Rhus copallina</i>	shrub about 15'		yes
Sassafras	<i>Sassafras albidum</i>	tree/shrub about 15'		yes
Sparkleberry	<i>Vaccinium arboreum</i>	shrub about 15'		yes
Yaupon holly	<i>Ilex vomitoria</i>	shrub about 15'	yes	
Florida anise	<i>Illicium floridanum</i>	shrub about 15'	yes	
Wax myrtle	<i>Myrica cerifera</i>	shrub about 15'	yes	
Wild olive (devilwood)	<i>Osmanthus americanus</i>	shrub about 15'	yes	
Red bay	<i>Persea borbonia</i>	tree about 15'	yes	
Mountain laurel	<i>Kalmia latifolia</i>	shrub less than 15'	yes	
Rosebay rhododendron	<i>Rhododendron maximum</i>	shrub less than 15'	yes	
Bottlebrush buckeye	<i>Aesculus parviflora</i>	shrub less than 15'	yes	
American beautyberry	<i>Callicarpa americana</i>	shrub less than 15'	yes	
Sweetshrub	<i>Calycanthus floridus</i>	shrub less than 15'	yes	
Summersweet	<i>Clethra alnifolia</i>	shrub less than 15'	yes	
Strawberrybush	<i>Euonymus americanus</i>	shrub less than 15'		yes
Fothergilla	<i>Fothergilla major</i>	shrub less than 15'	yes	
Oakleaf hydrangea	<i>Hydrangea quercifolia</i>	shrub less than 15'	yes	
Spicebush	<i>Lindera benzoin</i>	shrub less than 15'	yes	
Yellow azalea	<i>Rhododendron austrinum</i>	shrub less than 15'	yes	yes

Oconee azalea	<i>R. flammeum</i>	shrub less than 15'	yes	yes
Baker's azalea	<i>R. bakeri</i>	shrub less than 15'	yes	yes
flame azalea	<i>R. calendulaceum</i>	shrub less than 15'	yes	yes
plumleaf azalea	<i>R. prunifolium</i>	shrub less than 15'		yes
Piedmont azalea	<i>Rhododendron canescens</i>	shrub less than 15'		yes
Swamp azalea	<i>Rhododendron viscosum</i>	shrub less than 15'		yes
American snowbell	<i>Styrax americana</i>	shrub less than 15'	yes	
Arrowwood	<i>Viburnum dentatum</i>	shrub less than 15'	yes	yes
Dwarf rhododendron	<i>Rhododendron minus</i>	low shrubs less than 5'		yes
Dwarf huckleberry	<i>Gaylussacia dumosa</i>	low shrubs less than 5'		yes
Wild hydrangea	<i>Hydrangea arborescens</i>	low shrubs less than 5'		yes
St Johnswort	<i>Hypericum spp.</i>	low shrubs less than 5'	yes	
Virginia willow	<i>Itea virginica</i>	low shrubs less than 5'	yes	
Mapleleaf viburnum	<i>Viburnum acerifolium</i>	low shrubs less than 5'	yes	yes
Dog-hobble	<i>Leucothoe axillaris</i>	low shrubs less than 5'		yes

Native grasses for UPLAND			Common	Native plant
			Nursery Plant	Nursery
River oats	<i>Chasmanthium latifolium</i>	native grass	yes	yes
Deertongue grass	<i>Panicum clandestinum</i>	native grass		yes
Switchgrass	<i>Panicum virgatum</i>	native grass	yes	yes
Plumegrass	<i>Saccharum contortus</i>	native grass		yes
Indian grass	<i>Sorghastrum nutans</i>	native grass		yes
Little bluestem	<i>Schizachyrium scoparium</i>	native grass	yes	yes
Big bluestem	<i>Andropogon gerardii</i>	native grass		yes
Broomsedge	<i>Andropogon virginicus</i>	native grass		yes
Pink muhly	<i>Muhlenbergia capillaries</i>	native grass	yes	
Purpletop	<i>Tridens flavus</i>	native grass	yes	yes

## Exhibit X Power Pole Diagram



Installation must meet or exceed National Electric Code standard for wet locations and any additional requirements set by the Corps of Engineers as listed below.

1. All wiring on the pole must be in electrical conduit.
2. All electrical lines on public property must have ground fault protection.
3. Base of power pole must be at or above 661' mean sea level (msl).
4. Pole is to be a non-decorative, treated post (min. 4" X 4"), 15' maximum height.
5. Base of receptacle must be at or above 666' msl.
6. Lighting must be a "down lighting" design or include "down lighting" shields.

I certify that the wiring, light pole, and fixtures are installed and maintained in accordance with this plan.

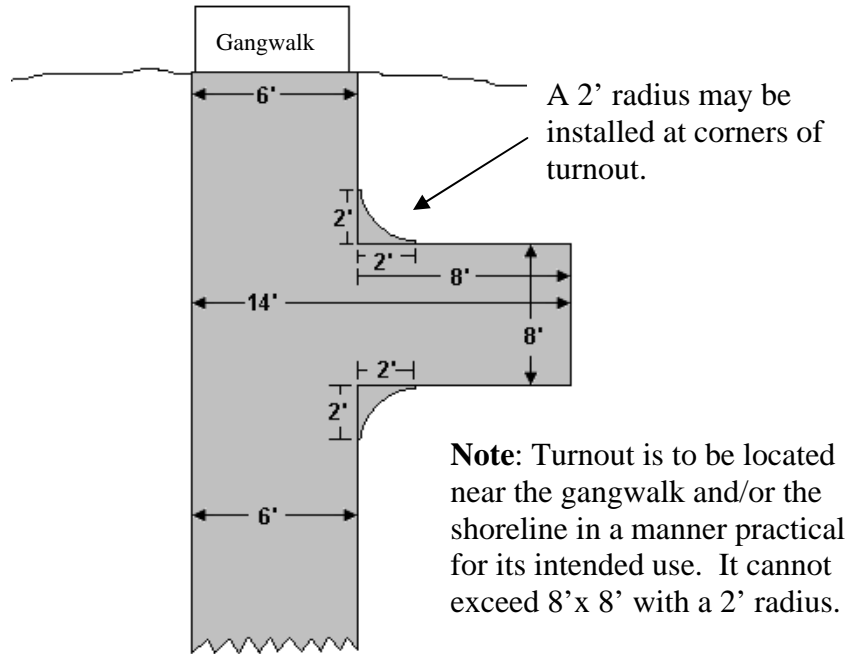
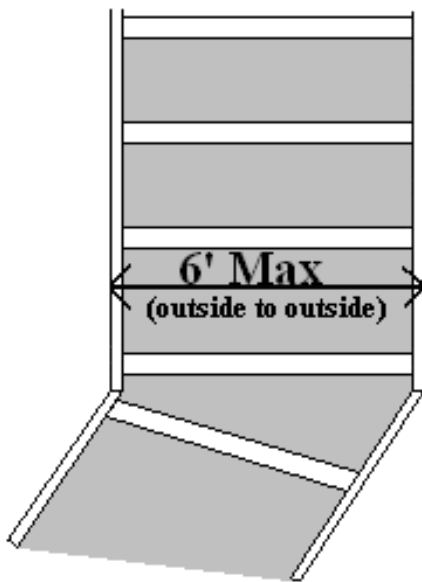
\_\_\_\_\_  
Electrician Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Permit Number

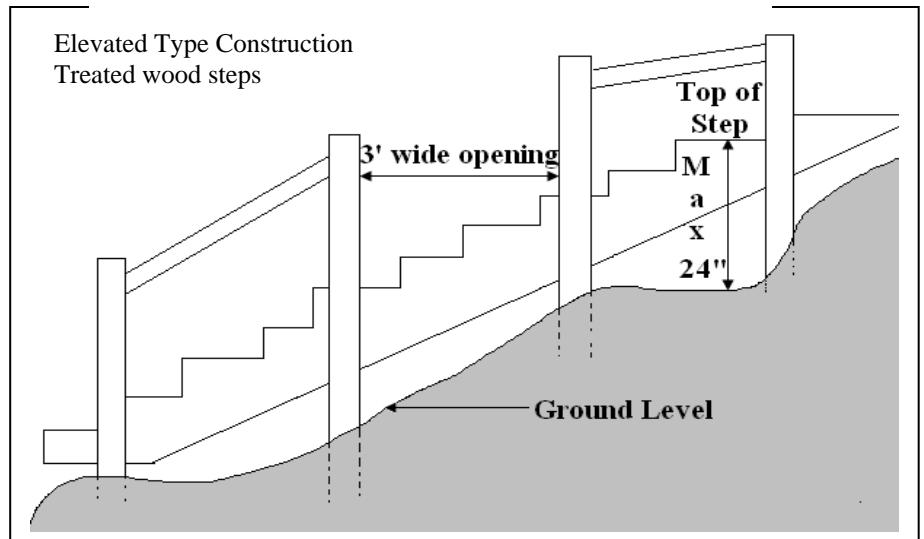
State/License # \_\_\_\_\_

# EXHIBIT XI - Improved Walkway

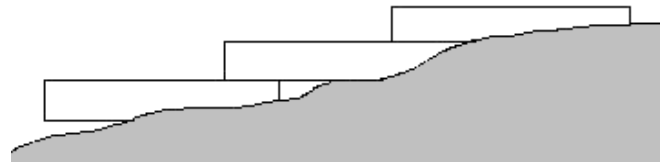


## Walkways

- Hand tools only.
- No grading, leveling, digging on public land.
- Concrete/asphalt cannot exceed 4" in thickness.
- Concrete must be stained an approved color (dark green, dark brown, black, dark grey or dark tan) within 30 days of installation.
- Walkway **including handrails, anchor post & gangwalk runners** cannot exceed 6' maximum width.



On-Grade Type Construction (side view) constructed with stacked/loose stepping stones. No cement or mortar joints. Poured Concrete Steps are NOT authorized.



## Walkway Certification Agreement

I certify that I have received a copy of the shoreline management plan explaining the parameters/policy concerning improved walkways. I understand the sketches shown above are examples outlining the criteria which applies to improved walkways. I also understand the approval of my improved walkway is subject to compliance with the Hartwell Project Shoreline Management Plan.

Permittee Signature

Date

Permit No.

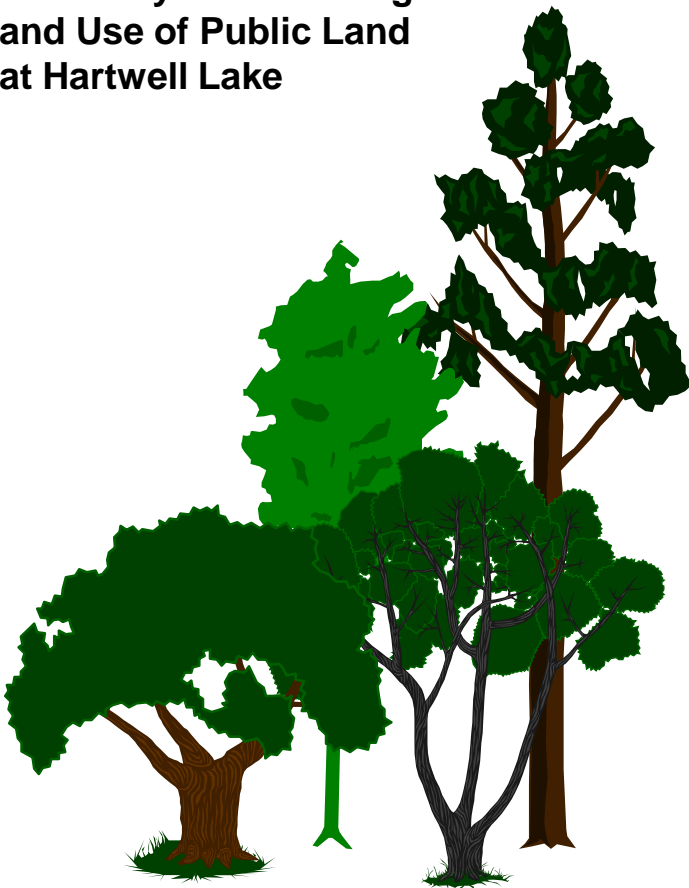
## EXHIBIT XII



US Army Corps  
of Engineers  
Savannah District

# Hartwell Project Boundary Line Information

## Boundary Line Markings and Use of Public Land at Hartwell Lake



### Introduction

With 56,000 acres of water, 23,530 acres of land and a shoreline of 962 miles, Hartwell Lake is one of the Southeast's largest and most popular public recreation lakes. Sound management of this resource is necessary to protect and preserve the project for future generations while providing quality recreation opportunities for today's visitors. Management must insure a balance between public recreation use, private lake access, and the conservation of project resources. Management must consider possible use conflicts between the general public and the owners of private property adjacent to the project.

### Private Use

The Shoreline Management Plan furnishes guidance for the protection and preservation of desirable environmental characteristics of the Hartwell Project shoreline. Copies of the plans are available from the Project Managers Office.

**Public land adjacent to the lake is delineated into different areas of use.** This designation of public land allows specific types of private use in certain areas around the lake. Private use is controlled through a permit/license program which may allow individuals with approved access to public land to construct and/or install specific facilities, such as a boat dock, water and electric lines. Although private facilities may be authorized, the ownership of adjacent private land does not convey any exclusive rights to the use of public land. The placement of structures, or special use of public land without prior written authorization or contrary to the terms of the authorization, may constitute an encroachment.

*An encroachment is the construction, placement, or continued existence of any structure or item of any kind under, upon, in, or over the project lands or waters and/or the destruction, injury, defacement, removal or any alteration of public property including natural formations, historical and archaeological features, and vegetative growth unless said activity is authorized in writing.*

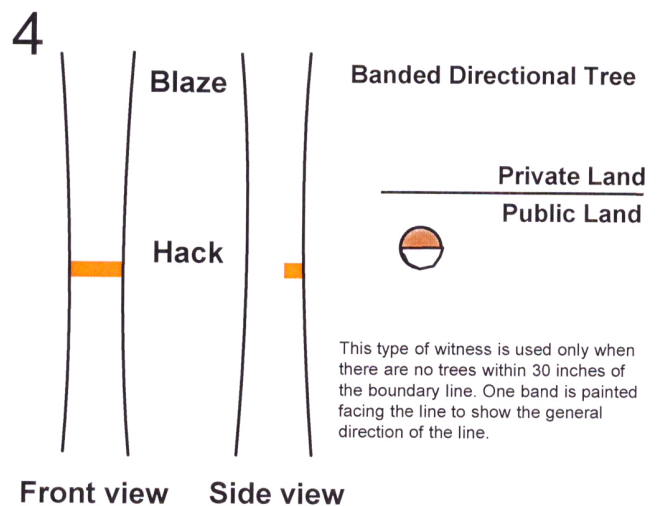
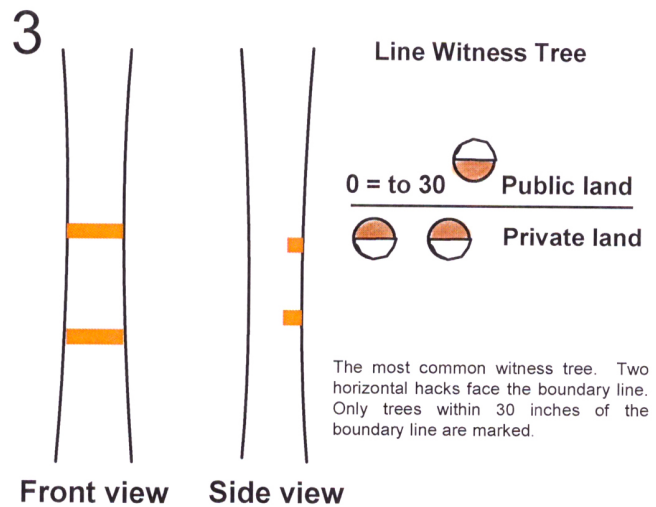
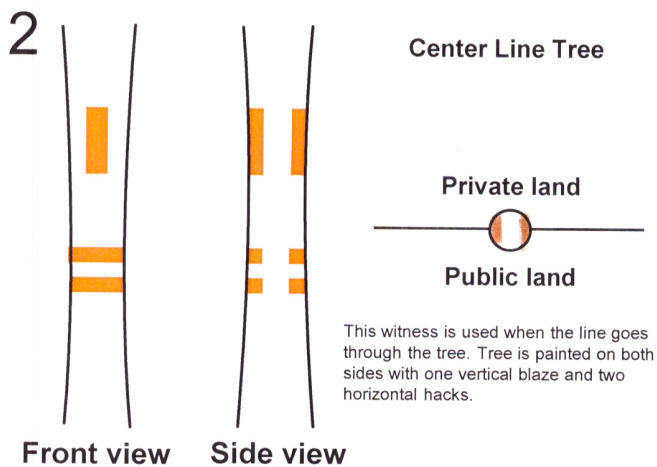
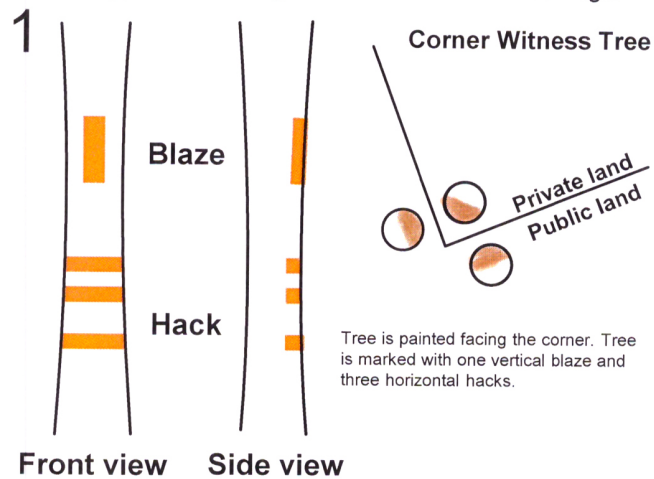
*Past experience has proven that lot pins do not always agree with the established boundary line. In order to prevent encroachments, we advise adjacent property buyers/owners to obtain the services of a licensed surveyor to verify the property line prior to purchase and/or construction. Discrepancies between private surveys and the boundary line established by Hartwell Project monuments must be resolved to help prevent encroachments. Please contact the Hartwell Project Office if you have any questions concerning the boundary line. Preventing encroachments with accurate surveys is always more desirable than removal and/or alteration of houses, decks, roof overhangs and other structures.*

## EXHIBIT XII

The Corps of Engineers requests the help of all citizens in preventing encroachments on the public land. To assist in identifying the public property at Hartwell, an extensive boundary line maintenance program exists which includes the brushing out and painting of the boundary line every 3 to 5 years. Portions of the boundary are resurveyed every year to document encroachments and replace missing or damaged boundary monuments. Specific boundary data can be obtained through the Project Manager's office free of charge.

### Boundary Line Witness Markings

"Painting of the Line" actually means painting witness trees near the boundary line. At the Hartwell Project, orange paint is used to paint the witness trees along the 840 miles of boundary. Drawings 1 through 4 illustrate the different types of markings and describe their meanings.



If you have questions about the location of the boundary line, contact the Hartwell Project Manager's Office at (706) 856-0300 or (888) 893-0678. A field appointment with a Corps ranger can be scheduled to assist you in locating the boundary line or in answering any other questions you may have concerning encroachments and our permit/license program.

**U.S. Army Corps of Engineers  
Office of the Project Manager  
Hartwell Lake and Powerplant  
5625 Anderson Hwy.  
Hartwell, GA 30643**