

**REVISED Draft
DUKE POWER NANTAHALA AREA (DPNA)
SHORELINE MANAGEMENT GUIDELINES (SMG)**

Effective Date July 1, 2003

This statement of Duke Power, Nantahala Area's **(DPNA) Shoreline Management Guidelines (SMG)** applies to all reservoirs owned by Duke Power in the Nantahala area, with the following exception. On the smaller DPNA reservoirs: Tennessee Creek, Queens Creek, Mission, Lake Emory, Bryson (Ela), Tuckasegee and Dillsboro, pier/docking regulations will not apply. Due to their small size and/or environmental concerns, pier/docks will not be permitted on these seven (7) reservoirs. In general, property owned by DPNA includes the lakes, dams, power plants, substations, all land below the full pool elevation of the reservoir and in most cases the land extending ten (10) vertical feet above the full pool elevation of the reservoir (Figure 1). All DPNA property lines above full pool elevation extend vertically. This means that the linear distance varies depending on topography. All properties, owned by Duke Power, around the DPNA reservoirs lie within the federally licensed project boundary for each individual hydroelectric project. As such they are subject to rules and regulation as described in the Federal Operating Licenses for these projects.

Statement of Purpose: These **Shoreline Management Guidelines** set forth the rights and limitations as to the use of DPNA's shoreline properties. These guidelines are designed to:

1. Meet DPNA's regulatory requirements.
2. Protect DPNA's generation interests.
3. Protect the scenic and environmental value of DPNA's shoreline property.
4. Provide recreational benefits to the general public.
5. Provide a guide to adjacent property owners on permitted uses of DPNA properties.

DPNA reserves the right to make minor alterations to these guidelines without public notice or resource agency or FERC review to ensure permitting flexibility in the continuous monitoring and regulation of lake use permitting activities. DPNA expects to make major revisions to the SMG's periodically and input from agencies and other interested stakeholders through the use of a focus group concept has proven an effective way to allow additional input. DPNA expects to convene a focus group of interested stakeholders prior to making major revisions to the SMG's. Additionally, FERC can mandate modifications to the guidelines as provided for in the land use article standard in new licenses. The land use article requires development of guidelines for use of project lands and waters.

I. Use of DPNA Shoreline Property

- A. **Regulations.** The Federal Energy Regulatory Commission (FERC) regulations provide that DPNA shall allow its lakes to be used for recreational purposes, subject to certain restrictions. In that regard, DPNA establishes rules

for the use of the lakes which, in DPNA's opinion, are for the benefit of the greater good. Accordingly, DPNA has provided or has allowed others to provide public access areas with ramps for boating access to the lakes. In addition, the lakes may be used for fishing, boating, swimming, and other recreational activities consistent with these guidelines. Access to the lakes and the launching of boats is limited to the designated public recreation areas, public boat ramps and approved private facilities.

- B. Use of DPNA property by the general public.** In general DPNA's shoreline property is available for use by the general public, subject to the following limitations:
1. Walking, picnicking, swimming and bank fishing is allowed on all DPNA property not otherwise restricted.
 2. Camping on DPNA property is limited to areas that are clearly designated and designed for such activities.
 3. Designated picnicking and swimming areas may also be specifically designated for such activities. These additional designated areas are clearly marked as **Day Use Only**.
 4. Pier/docks, steps and/or other structures, except in areas designated as public access areas, are privately owned. Any use of these facilities, by the general public, is at the sole discretion of the owner.
- C. Use of DPNA property by adjacent property owners.** In general the Owners or lease holders of property directly adjacent to DPNA's shoreline property enjoy the same rights and privileges as afforded the general public. However the adjoining property owners may, with proper written approval, be considered for expanded privileges as follows:
1. May apply for lake use permitting activities (e.g. private piers/docks, shoreline stabilization, etc.) provided they are the owner of the tract of land immediately adjoining the project boundary. Lake Management will hold the applicant fully responsible for the permitted reservoir use (including maintaining structures in good repair). This responsibility is considered to transfer along with ownership of the adjoining property.
 2. May keep and maintain a walkway, as approved by DPNA, from their property to the shoreline of the lake.
 3. May keep and maintain a floating pier/dock and access steps provided these structures are properly permitted and meet all specifications and requirements of these **Shoreline Management Guidelines**. However, DPNA does not guarantee that all adjacent property owners will be eligible to receive a permit for a pier/dock. Pier/dock permits may be denied because of environmental or safety concerns or because of lot size or location or boating capacity limitations and other reasons DPNA may deem appropriate. See Exhibit 2 for pier/dock specifications.
 4. May keep and maintain access steps to the pier/dock. Design drawings for new or rebuilt steps must be submitted and approved by DPNA prior to installation. Steps must be anchored properly with the minimal

amount of intrusion into the full pond contour that still provides safe access to the pier/dock.

5. May with prior written approval, remove vegetation in accordance with the Duke Power Nantahala Area Vegetation Management Requirements (see Exhibit 1).
6. May with proper approval, install rip-rap rock, dry stacked boulder wall, or other environmentally friendly erosion control methods along the shoreline directly in front of their adjacent property. See Exhibit (3) for shoreline stabilization and erosion control specifications. Rip-rap must be placed along the base of all dry stacks with a minimum depth of one foot and a slope of 2 to 1 with a three foot base at the lakebed dry stack interface.

DPNA does not recognize walk easements over adjoining property as ownership of that property; therefore holders of such easements are not eligible to obtain a pier/dock permit. Holders of such walk easements are subject to the same rights to use DPNA property as is afforded the general public.

D. Limitations. Certain activities are prohibited because of the DPNA lakes small size, environmental concerns, boating capacity limitations, safety considerations and other reasons..

These include:

1. **Cabin or house boat.** Enclosed vessels or vessels that could be used for habitation may not be moored overnight on any of the DPNA lakes.
2. **Seaplanes.** With the exception of those used by local, state, or federal agencies for fire, law enforcement and/ or rescue purposes, seaplanes are not allowed on any DPNA lakes.
3. **Ski courses.** Unless a part of an authorized Special Event, ski courses are not permitted on DPNA Lakes.
4. **Buoys, buoy lines.** Buoys and buoy lines, other than those installed by DPNA or an authorized governmental agency, are not allowed on DPNA lakes.
5. **Floating trampolines and other large floating water toys.** Floating trampolines and other large floating water toys may not be placed on DPNA lakes.
6. **Swim platforms.** Swim platforms or other structures that are not permanently attached to an approved pier/dock are prohibited on DPNA lakes.
7. **Special Events.** Ski competitions, boat races, fireworks displays or other organized special events may be held on DPNA property provided they are approved, in writing, in advance by DPNA. Approval of such events will be subject to any conditions that DPNA may, at its discretion, require. DPNA may also approve other activities or uses which, at DPNA's discretion, will enhance the general public's recreational use of the lakes. Special Events may also require local, state or federal authorization.

8. **Boat ramps.** No new boat launch facilities will be allowed except those that enhance recreational opportunities for the general public.
9. **Marine Sanitation Devices.** No discharge of waste (either treated or untreated) is authorized from any watercraft on any DPNA lake.

E. **Public Recreation Areas.** In keeping with DPNA's commitment to provide public recreation opportunities, certain shoreline areas have been set aside and designated as Public Recreation Areas. These areas are set aside to provide access to the general public for one or more of the following activities: picnicking, swimming, bank fishing and or camping. No piers/docks may be installed in areas designated for public recreation except those installed for the express purpose of enhancing the recreational value of the area for the general public. Maps showing the exact location of these Public Recreation Areas are posted at all public access areas and are available through DPNA's Lake Management Office.

F. **Vegetation Management.** Vegetation management and maintenance of vegetated terrestrial and riparian areas is an important factor in protecting and enhancing a lake's values. Riparian and terrestrial areas primarily filter runoff and can help reduce shoreline erosion when vegetation extends to and/or below the shoreline, thus helping to reduce sedimentation and protect water quality. They also provide wildlife corridors and habitat and can enhance recreational opportunities. Protection of areas (riparian and terrestrial) for wildlife movement is considered important by state and federal wildlife resource agencies concerned with the potential for development adjoining these environmentally important areas. Therefore, DPNA in consultation with various lake stakeholders, including resource agency personnel and private project-front property owners, developed requirements to protect riparian wildlife corridors on shoreline property owned by DPNA that is also within the FERC project boundary, with consideration given to impacts to private landowners with property adjoining the project boundary. DPNA encourages adjoining property owners to replant or allow the re-establishment of native vegetation in areas within the project boundary where it has been removed. Reference Exhibit 1 for vegetation management requirements.

G. **Restricted Areas.**

1. DPNA prohibits access to certain areas because of safety considerations. Such areas are posted. They include areas near dams and spillways, buildings containing control devices and machinery, and areas near the intake or pipe used to withdraw water from the reservoir. All such areas are well marked. Violation of the restricted areas will subject the offender to prosecution under the trespass laws of the State of North Carolina.
2. Access to other property owned by DPNA may be restricted because of environmental concerns or regulation, regulations imposed by the

Federal Energy Regulatory Commission (FERC) or other regulatory agencies, or other reasons requiring the limiting or denying of access to those areas or otherwise required by law.

H. Archaeological and Historical Resources. Humans have lived in Western North Carolina for over 12,000 years. Evidence of the presence of the region's inhabitants includes arrow heads, potsherds, foundations and old chimneys. All of these resources provide clues to trained archaeologists about our history and prehistory. Interfering with such artifacts destroys the information provided by these remnants of inhabitants' lives.

Duke Power is committed to protecting these irreplaceable resources. Because of this, Duke Power does not allow any artifact collecting on its property. This includes the lakebed. Artifact collecting on federally owned lands including National Forests is illegal without the appropriate permits. Interfering with burial remains and associated grave goods on any land in North Carolina, private or public, is also illegal.

If you see anyone digging on archaeological sites, please notify your local law enforcement personnel. If you suspect that you have discovered a grave site on Duke Power property, please contact Lake Management at 1-800-443-5193 immediately.

II. Policy Pertaining to Islands

Several of the DPNA Reservoirs contain islands. On some of the larger islands, DPNA's property line only extends ten (10) vertical feet above the full pool elevation of the reservoir. Any access beyond that point is subject to the control of the property owner. On islands containing privately owned lands, usage of DPNA property by the general public is subject to the same regulations as listed in section I.B of this policy.

In general, other islands that are entirely owned by DPNA are available to the general public for **Day Use** activities such as bank fishing, swimming, picnicking, etc. Unless otherwise posted, camping is not allowed on DPNA -owned islands.

III. Policy Pertaining to Pumps and Water Removal

DPNA will permit adjacent property owners to install pumps to remove reservoir water for irrigation purposes or home usage, subject to the following restrictions:

- A. Pumps are limited in size to a volume rating of 5 gallons per minute limit..
- B. Submersible well pumps are allowed provided installation, wiring and water quality requirements along with all federal, state, and local code regulations are met.

- C. Except for submersible pumps and associated wiring listed above, no pumps, pressure tanks, wiring, filter equipment, buildings or any apparatus associated with the pumping operation, other than intake piping, may be installed on DPNA property.
- D. Removing water for home usage will be permitted only if the property owner can verify previous unsuccessful attempts to find water on his own property.

DPNA will permit organized fire fighting organizations to remove reservoir water for fire suppression purposes. There is no limitation for pump volume for specific fire suppression events. Dry hydrants may be installed within the reservoir provided application is made by letter of request and approved by DPNA. DPNA will allow access to the reservoir's waters via the DPNA-owned public access area boat ramps for emergency fire suppression events.

A.

IV. **Policy Pertaining to Commercial Operations**

No commercial marina, boat leasing facility, pier/dock construction facility or any other commercial activity is allowed on DPNA property unless properly approved and permitted. **Applications for commercial operations may also require contacting the appropriate federal, state and local agencies and approval by the Federal Energy Regulatory Commission (FERC).**

V. **Activities Not Controlled by DPNA**

Certain activities or access to the reservoirs are subject to regulation and control of governmental agencies and are beyond DPNA's control. These include:

- A. **Motor boats and personal watercraft.** These vessels and their use are regulated and controlled by applicable State of North Carolina and county laws, ordinances, and regulations.
- B. **Waste and water discharge into a lake.** These are regulated by the N.C. Department of Environment and Natural Resources and the U.S. Army Corps of Engineers. No discharge facilities can be placed on DPNA Power property unless all appropriate permits have been obtained.

VI. **Lake Uses/Activities That Are Prohibited**

The following acts or activities are prohibited on DPNA property. Persons found to be in violation of any of these will be subject to DPNA sanctions which can include: 1) restoration of the impacted area; 2) loss of consideration of any future lake use permitting activities of up to five years for improper vegetation removal or until vegetation is satisfactorily re-established (even if there is a change in property ownership); 3) revocation of a previously issued permit and loss of consideration of any future lake use permitting activities and/or reinstatement of

the revoked permit; 4) increase in fees; 5) modification or removal of non-complying structures; and/or 6) further legal action being taken by DPNA.

A. Scenic Protection

- Advertising and other signs, except for inconspicuous manufacturer's labels on permitted structures, small "No Trespassing-Privately Owned" signs attached to a permitted pier or "For Sale" signs on boats docked at DPNA-approved structures.
- Deposit or burning of brush, leaves or other refuse, except as necessary to support public facility construction and maintenance.
- Satellite dishes or other fixed communications antennas, except as necessary to support DPNA-approved public facilities.
- Destruction, injury, or defacement of DPNA property.
- Unauthorized alteration of DPNA property.

B. Environmental Protection

- Septic tanks, septic drain lines and drain fields, toilet facilities, sinks, water faucets, showers nor any other type of device that could produce a wastewater discharge, except for certain Commercial Facilities, Public Recreation Facilities or Conveyance Facilities necessary for waste disposal (e.g. marine pumpout facilities).
- Stormwater inlet pipes and their associated settling basins.
- Stormwater outlet pipes and their associated energy dissipaters (not including the final rip rap or concrete-lined channel).
- Fixed fuel delivery \ storage devices anywhere other than at Commercial \ Non-Residential Facilities, Public Infrastructure Facilities or Project Use Facilities that are specifically approved for that use.
- Washing, painting or resurfacing of vehicles or watercraft.
- Docking of houseboats actually used for human habitation.
- Any portion of a private dwelling, including attached porches and decks.
- Swimming pools, except at Public Recreational Facilities specifically approved for that use.
- Camping, except in designated areas or where specifically approved at Commercial Facilities or Public Recreational Facilities.
- Littering or dumping of trash and debris.
- Motorized vehicles except as allowed as part of an approved stabilization or storm debris cleanup project, launching/retrieving boats at approved public or private recreation facilities or as necessary for project operation

or licensee operational activities, fire fighting and/or emergency response activities.

- Abandonment of personal property, including but not limited to vehicles, watercraft, boat trailers, lake use facilities and building materials.
- Filling or dredging within any DPNA reservoir.
- Removal of any type vegetation not provided for in the DPNA Vegetation Management Requirements or planting of any non-native vegetation.
- Destruction, alteration, or tampering with any informational or boundary sign.
- Unauthorized posting of any type signage.
- Burning of any material or debris is prohibited. Small camp fires are allowed only in designated areas.
- Firewood is not to be obtained from Duke Power property or adjacent private property.
- All unauthorized commercial activities.
- Placing any unauthorized structure on DPNA property.
- Unauthorized removal or placement of any unauthorized materials (sand, rock, trees, etc.) below reservoir full pool elevation.
- Failure to obtain a permit or comply with the conditions of a permit.
- Unauthorized use of lands or waters for agriculture or aquaculture purposes.
- Placement of any non-native aquatic vegetation or unauthorized removal of any aquatic vegetation from within the project boundary or DPNA property.
- Mooring of any watercraft, not attached to a pier/dock, on DPNA property for a period greater than five (5) consecutive days.
- Failure to comply with any of the regulations set forth in these Shoreline Management Guidelines.

C. Public Recreation Opportunity Protection

- Any use that violates an applicable federal, state or local law or regulation. Examples include but are not limited to nudity, illegal discharge of

firearms or fireworks, controlled substance abuse, public drunkenness, public urination or defecation, or other activities determined to be a nuisance by law enforcement officials.

- Pens, kennels, fences or other facilities for the housing and care of pets and/or livestock.
- Fences, except as necessary to confine livestock watering to a small area of the shoreline or to fence out nuisance animals (e.g. geese, beavers, etc.).
- Docking, take-off or landing of seaplanes, except for specifically approved firefighting water carriers or approved project use activities.
- Any structure having enclosed walls beyond a minor storage closet, except for Project Use Facilities with specific needs justifying enclosed walls.
- Causeways, dams or dikes that would cut off the backs of coves or would otherwise potentially impact navigation.

D. DPNA Business Management.

- Wells, except where necessary to support an approved Project Use Facility.
- Rope swings, cables, platforms or spring boards used for diving and swimming that are located outside of Public Recreation or Commercial Facilities specifically approved for that use.
- Any use that violates an applicable federal, state or local law or regulation.
- Any other use that is determined to be unacceptable by DPNA, in its sole discretion.

VII. 3-step Review Process for All Lake Use Permit Activity Requests.

DPNA Lake Management staff utilizes a 3-step review process for all lake use permit activity requests. Each request is evaluated based upon review of the applicable Lake Use Policy Statements (LUPS), review of the Shoreline Management Plan (SMP) maps (if applicable), and compliance with the DPNA Shoreline Management Guidelines (SMG). A lake use permitting process review flowchart for a typical private pier or stabilization activity request is included in Exhibit 6.

The LUPS delineate the types of access and activities that may be allowed on all reservoirs owned or managed by DPNA based upon license requirements (for all licensed hydro reservoirs); and/or federal, state, and local regulations; and specific business management objectives. These policy statements cover not only reservoirs in the DPNA but also all other reservoirs owned or managed by Duke Power. This fact coupled with the strategic business sensitivity of these statements requires that these documents remain internal to DPNA. Specific

license or other regulatory requirements that also are a part of these policies are publicly available in the specific regulation.

The SMP presents on a set of maps the results of the shoreline habitat classification survey to reflect current development of the shoreline and the existing habitats developed in consultation with the wildlife resource agencies and other lake stakeholders. The SMP includes not only the habitat classifications but also the lake use restrictions associated with the important habitat types. The SMP is a tool that can be used by DPNA, the resource management agencies, the Federal Energy Regulatory Commission (FERC) and others for review of requests for utilization of the Project and its resources.

The SMG are a set of detailed procedures and criteria to regulate activities within reservoirs owned or managed by DPNA. Implementation of the guidelines assures: (1) the Project's scenic, recreational, environmental and cultural resource values are protected and enhanced; (2) DPNA's power generation interests are protected; and (3) regulatory requirements are addressed. The development of permitting guidelines is a requirement of the standard land use articles in the licenses granted to DPNA for its licensed projects. These guidelines are provided for information only in Appendix___ of the application to relicense. DPNA reserves the right to make minor alterations to these guidelines without public notice or resource agency or FERC review to ensure permitting flexibility in the continuous monitoring and regulation of lake use permitting activities. DPNA expects to make major revisions to the SMG's periodically and input from agencies and other interested stakeholders through the use of a focus group concept has proven an effective way to allow additional input. DPNA expects to convene a focus group of interested stakeholders prior to making major revisions to the SMG's. Additionally, FERC can mandate modifications to the guidelines as provided for in the land use article standard in new licenses. The land use article requires development of guidelines for use of project lands and waters.

The 3-step review process (LUPS >SMP>SMG) involves consultation of the LUPS to ensure the proposal is allowed on the subject reservoir. The SMP review ensures the proposal is allowed along a general portion of the reservoir shoreline and is consistent with the lake use restrictions associated with each shoreline classification for that part of the reservoir. The SMG review only allows an activity that can be conducted based on the specific characteristics of the site and compliance with the applicable permitting criteria. In summary, the 3-step review process focuses the review from the reservoir down to the specific site along the reservoir shoreline.

In summary, the Lake Use Policy Statements for the DPNA allow for the review of proposals for the four basic types of lake access: 1) Private Access; 2) Public Recreational Access; 3) Public Infrastructure Access; and 4) Business/Industrial Access on the lakes with existing private and business development including

Cedar Cliff, Bear Lake, Wolf Lake, Nantahala Lake and Lake Glenville. DPNA will not authorize any additional private access on the remaining smaller impoundments including Tennessee Creek, Lake Emory, Dillsboro Pond, Lake Ela, White Oak Pond, Dicks Pond, Mission Pond, Tuckasegee Pond and Queens Creek Lake. Public recreational access on the smaller impoundments will be allowed as required to meet FERC licensing commitments. Public infrastructure and business/industrial access will be allowed in accordance with the standard land use articles included in the license for each of the smaller impoundments.

VIII. Implied Uses of DPNA Property Within the Project Boundary

1. There are some lake uses that are implicit parts of DPNA's lake access philosophy and therefore do not require any specific written permission from DPNA. These implicit uses include:
 - Ingress and egress by adjoining property owners to view the lake or to access DPNA-approved lake use facilities, either for their use or for *facility maintenance or facility emergency repair*.
 - Pursuit of any lawful public recreation activity within the FERC project boundary of a licensed lake or the full pond contour of an unlicensed lake that does not violate DPNA's Public Safety Plan, create a public nuisance as declared by law enforcement officials, create a public health/safety hazard or otherwise endanger people or trespass on or damage property. Exceptions are any public recreation activity specifically identified as not being allowed, or restricted to a certain area by the SMG's or DPNA, or that requires DPNA's written approval.
 - Placement and maintenance of signage and other minor devices that are not part of DPNA's Public Safety Plan (e.g. navigation channel markers, buoys marking submerged natural hazards, water quality monitoring buoys, etc.) and any other lawful activity necessary for the execution of routine duties by any federal, state or local government agency or group directly involved in emergency response, law enforcement, environmental management, public recreation management, public health management, lake user education or other lake management support functions.

IX. Authority and Responsibility of Lake Use Permit Applicants

Except for the implicit uses discussed above in the guidelines, all other lake uses must be authorized in writing by DPNA through one of the lake use permitting programs. Occasionally, questions arise concerning what exactly the applicant is getting when they get an approved lake use permit from DPNA. DPNA has incorporated some type of user's agreement (e.g. Applicant's User Agreement letter for private facilities and shoreline stabilization), lease (e.g. commercial and private marina facilities) or easement (e.g. intake, bridge, etc.) document in the vast majority of lake use permits the company issues in an effort to ensure applicants understand ownership and maintenance responsibilities and their

authority with regard to controlling actions of others within the lake area. The following information also helps clarify those issues.

A. Facility Ownership and Responsibility

The applicant is the owner of the approved lake use facility once it is complete. DPNA holds the applicant completely responsible for:

- The safety of themselves and others they allow to use the facility (i.e. use at your own risk).
- Payment of any applicable fees and taxes.
- Maintaining the facility in a state of good repair.
- Ensuring the facility does not create a public nuisance, public health or safety hazard.
- Ensuring the facility remains in compliance with all applicable federal, state and local regulations and codes, as well as directives of the FERC, DPNA, and any jurisdictional agency, including modification of the facility in the future if necessary.
- Removing the facility in its entirety and restoring the disturbed area as necessary at their own expense should the facility's use be discontinued, or if directed to do so by DPNA or any entity having the legal authority to do so.

If ownership of the adjoining property changes, then responsibility for the approved lake use also changes and becomes automatically the responsibility of the new owner. Facility owners must contact DPNA to get the applicable permits transferred to the new owner when property ownership changes. Note that some types of lake uses require written transfer of lease/easement/user's agreement documents when property ownership changes.

B. Ownership and Rights in Land

DPNA lake use permits do not transfer fee title to any land.

The Private Facilities and Shoreline Stabilization Programs' permits are simply permission to use the applicable land for construction, operation, use and maintenance of the approved structure. Consistent with the user's agreement, if the permit is cancelled by DPNA, the permittee may be required to remove the structure and restore the disturbed area at their own expense.

The Commercial Facilities and Conveyance Programs have leases or easements (except for water rights tracts which have user's agreements). These programs generally result in much larger facilities or facilities with a much greater potential for impact than the Private Facilities or Shoreline Stabilization Programs. To limit company liabilities and comply with the Standard Land Use Articles, DPNA uses leases and easements to assign the minimal property rights necessary to construct, operate, use and maintain the approved facility. These conveyance documents will also have a specified term and a cancellation clause covering what happens if the agreement is cancelled or not renewed at expiration.

C. Authority to Control Uses of Others

Lake use permit holders have the authority to prevent others from trespassing on the structures they have built.

X. Caution

There are some areas of the lake where facilities may not be permitted because of environmental considerations, development patterns, physical lake characteristics, boating capacity limitations or other reasons. Where applicable these areas may be identified in DPNA licensing documents.

There are existing structures and improvements permitted by Nantahala Power & Light (predecessor to DPNA) which are not compatible with the requirements as contained herein. These structures may be maintained though their use does not conform with these guidelines. These structures will not be tagged by Lake Management as being permitted. When it becomes necessary to replace a previously unapproved non-complying structure, the new structure must comply with the guidelines that are in effect at the time of the replacement.

Since every possible situation cannot be anticipated, Lake Management reserves the right to make special rulings in cases not specifically covered by these guidelines.

XI. Consequences for Violations

Lake Management representatives will issue Stop Work Directives for any violations that are detected within the project boundary of a reservoir.

Consequences for violations will include one or more of the following:

- Unwanted delays.
- Loss of security deposits.
- Suspension or cancellation of approved applications.
- Increases in fees.
- Modification or removal of non-complying structures and restoration of disturbed areas at the owner's expense.
- Loss of any consideration for future reservoir use applications.
- Specific penalties:

Specific penalties (examples):

- Unauthorized major cutting of the buffer (no existing pier): Restoration with approved native vegetation. Loss of consideration for lake use permitting activities for **up to 5** years depending on severity and subject to successful plant restoration.
- Unauthorized major cutting of the buffer (existing pier): Removal of the pier from project property and restoration with approved native vegetation. Loss of consideration for lake use permitting activities for **up to 5** years depending on severity and subject to successful plant restoration.
- Unauthorized minor cutting of trees within the buffer: Restoration as required in the Duke Power Nantahala Area Vegetation Management Requirements for approved tree removal.
- Refusal to remove an unapproved, dilapidated or unsafe structure: Removal of the structure from the project property by DPNA. Loss of consideration for lake use permitting activities until cost of removal, which includes all removal costs including DPNA or contractor expenses, landfill fees and a set management fee of \$1000, is paid.
- Unauthorized structure built within the project boundary: After the fact application may be accepted if structure conforms to the specific requirements. Fee will be twice the current permit fee to cover additional management costs. Non-complying structures will be subject to modification or removal and restoration of disturbed areas at the owner's expense.

Exhibit 1

Duke Power - Nantahala Area Vegetation Management Requirements

Vegetation management and maintenance of vegetated terrestrial and riparian areas is an important factor in protecting and enhancing a lake’s values. Riparian and terrestrial areas primarily filter runoff and can help reduce shoreline erosion when vegetation extends to and/or below the shoreline, thus helping to reduce sedimentation and protect water quality. They also provide wildlife corridors and habitat and can enhance recreational opportunities. Therefore, DPNA in consultation with various lake stakeholders, including resource agency personnel and private project-front property owners, developed requirements to protect riparian wildlife corridors on shoreline property owned by DPNA that is also within the FERC project boundaries, with consideration given to impacts to private landowners with property adjoining the project boundaries.

These requirements apply to lands within the Federal Energy Regulatory Commission (FERC) project boundaries of the Duke Power - Nantahala Area (DPNA) Projects:

| <u>LAKE</u> | <u>FERC PROJECT #</u> |
|--------------------|------------------------------|
| Nantahala | 2692 |
| Glenville | 2686 |
| Bear | 2698 |
| Wolf | 2698 |
| Cedar Cliff | 2698 |

The following requirements apply:

1. General

Protection of areas (riparian and terrestrial) for wildlife movement is considered important by state and federal wildlife resource agencies concerned with the potential for development adjoining these environmentally important areas and consideration should also be given to impacts to private landowner’s adjoining these areas.

- a. The DPNA property within or adjoining the project boundary shall be maintained in a vegetated forested condition, where existing, that is typical of forested areas of the region. A properly vegetated area shall include canopy trees, subcanopy trees, shrubs, herbaceous plants and forest floor leaf and humus layers.
- b. No clearing, thinning, spraying, planting or sowing of any vegetation, except for hazardous trees in eminent danger of falling on an individual, a structure or a proposed structure (constructed outside the project boundary), or removal of non-

native invasive plants and poisonous plants, shall be undertaken by any person or party without written concurrence from DPNA. Non-native invasive plant lists can be found on the Internet at:

http://plants.usda.gov/cgi_bin/topics.cgi?earl=noxious.cgi
<http://www.nps.gov/plants/alien/>

2. Vegetation Planting

Protection and enhancement of the important habitat areas can be accomplished by accommodating and supplementing the existing native vegetation.

- a. Vegetation native to the Appalachian Mountain region shall be required. (Note: A sample plant list (Exhibit 4) of commonly acceptable vegetation native to the Mountain Region is available from DPNA)
- b. Native vegetation beneficial to wildlife shall be encouraged.
- c. Turf grasses (e.g., fescue, Bermuda, etc.) shall not be planted and may not be allowed to become permanently established.
- d. Native ground cover other than permanent turf grasses may be planted as an enhancement to existing native vegetation.
- e. Permanent grasses other than turf grasses and other native vegetative cover may be permitted in conjunction with shoreline stabilization projects with written concurrence from DPNA.

3. Vegetation Removal and Disturbance – General

Access to the lake over project lands and waters can be accommodated provided a primarily vegetated buffer is maintained with limited clearing.

- a. Clearing, thinning and pruning shall, generally, be accomplished with hand-held tools.
- b. Mechanical clearing (e.g., bulldozers, backhoes or other heavy equipment) shall not be used (*Note 1*) unless in conjunction with a shoreline stabilization project or as a remedial activity, approved by DPNA, as a result of pest infestations. Disturbance for installation of stabilizing structures shall be restricted to the minimum needed to gain access and install stabilizing structures and shall not include clearing outside of the limits of the stabilization project.
- c. All soil and existing forest floor leaf and humus layers shall remain undisturbed and intact except for the construction of foot paths, authorized clearing or the minimum disturbance needed to stabilize shoreline or install a DPNA-approved structure.
- d. Foot paths for individual lots shall be no more than six feet wide and should be designed in a winding manner, avoiding large trees (≥ 10 inches dbh) and/or stepped to prevent surface runoff and erosion. The least damaging alternative that will prevent erosion and sedimentation shall be selected.
- e. Standing trees that are dead or diseased may be removed only with written concurrence from DPNA. Dead trees that do not pose a hazard, can provide habitat for wildlife and adjoining property owners are encouraged to leave dead

large diameter trees standing whenever possible. Hazardous trees in eminent danger of falling on an individual or structure are permitted to be removed without written concurrence from DPNA. However, DPNA must be notified within 48 hours following removal.

- f. Trees that fall into the lake, and do not block or unnecessarily restrict navigational access should be left in place to benefit fish and/or wildlife. Trees that fall into the lake and restrict navigational access and/or access for approved stabilization projects may be pulled onto the forested area as terrestrial habitat with written concurrence from DPNA. Fallen trees that do not pose a safety or navigation hazard generally must remain as fish and/or wildlife habitat and may only be removed with written concurrence from DPNA.
- g. Trees that are allowed to be removed from the land or shoreline should be securely anchored along the shoreline to improve fish and/or wildlife habitat or placed in the buffer as a downed log. Trees should be securely attached or anchored to prevent movement away from the shoreline. Trees that need to be removed but are away from the shoreline should be placed within the buffer to serve as downed logs. These trees that are eligible for removal, can be limbed and placed within the buffer provided sections of the tree trunk that are six (6) inches diameter or larger are retained at a minimum length of eight (8) feet.
- h. Standing live trees that are intentionally removed shall be replaced by a quantity of trees totaling the diameter of the tree removed. Replacement trees are not to be less than two (2) inches in diameter (e.g., three 2-inch trees may replace one 6-inch tree). Diameter shall be measured at breast height (dbh) of four feet above the base of the tree. Replacement trees should be a native “ecological equivalent” of what is removed (i.e. a tree removed from the canopy should be replaced with a similar species that also has the potential to reach the canopy, subcanopy trees should be replaced with a subcanopy species, etc.). Soil types, soil moisture and shade tolerance should be considered when selecting replacement trees.
- i. Individual trees may not be pruned except for viewsheds as provided below.
- j. Activities necessary for clearing debris and pruning existing trees as a result of substantial alteration of the natural forested canopy by extreme weather conditions (e.g. wind and ice storms) will be considered on an individual basis with written concurrence of DPNA and review by the North Carolina Wildlife Resources Commission.
- k. Grubbing or grinding of tree stumps of any size is not allowed except in the establishment of foot paths (large trees ≥ 10 dbh must be avoided) and as approved as part of authorized stabilization activities.
- l. Except for application to poisonous plants (e.g. poison ivy, poison sumac, and/or poison oak), chemicals shall not be used to kill other native non-invasive vegetation on land or in the water.

4. Viewsheds

Viewsheds are intended to allow adjoining home or structure owner’s views of the lake and/or other surrounding natural features while maintaining a vegetated forested condition that includes a varied forest canopy.

- a. A single viewshed may be established in consultation with a DPNA Lake Management Representative once a home or building is constructed.
- b. An on-site meeting between the lake management representative, the home or business owner and any landscape contractor is required to establish the viewshed. The meeting will result in an approval letter that specifically identifies and lists all activities that can be accomplished to provide a viewshed, including but not limited to, pruning, topping, tree and/or vegetation removal, tree and/or vegetation replanting, etc.
- c. Vines, shrubs, and trees may be selectively pruned/limbed in order to facilitate a viewshed. Native shrubs and vines shall not be pruned from the ground to a height of four (4) feet.
- d. A joint single viewshed may be created by two adjoining property owners with written concurrence from DPNA.
- e. Minimal topping and removal of only selected evergreen trees (e.g. white pine, yellow pine) will be considered to establish a viewshed.
- f. Small diameter (i.e. < 6" dbh) white and yellow pines may be removed from within the approved viewshed without being replaced.
- g. Viewsheds will not be allowed to be created on DPNA property within the confines of adjoining areas designated as *Vegetated areas/coves with stream confluence*.
- h. To verify that the establishment of this viewshed concept has not resulted in destruction of the vegetated forest condition, the effectiveness of the viewshed requirements may be re-evaluated at the request of any member of the Technical Leadership Team (GWB3) after two years of implementation. This re-evaluation period requirement will end after the second year or until a minimum of 3 viewsheds have been established, whichever occurs later.

5. Shoreline stabilization

Shoreline stabilization by the property owner adjoining the project boundary is encouraged to help control soil erosion.

- a. Shoreline stabilization is permitted with written authorization from DPNA.
- b. Minimal clearing is allowed to create corridors for equipment access for stabilization projects. Access corridors should be incorporated into permanent pier access corridors (i.e. foot paths) where practical. Native vegetation removed to accommodate construction access for shoreline stabilization shall be replaced with native vegetation of a similar growth form to what was removed.

6. Water Dependent Structures

Facilities approved and constructed within the full pond contour provide access to the reservoir and have an impact on adjoining property values.

- a. Structures that support water dependent uses (e.g., docks, piers, and boatslips) are permitted within the project boundary if they comply with all applicable DPNA, local, state, and federal guidelines.

Notes:

1. Activities conducted by federal, state or local governments, railroads, public utilities or other entities that typically have the power of eminent domain (e.g. utility or roadway right of way, construction, and maintenance, etc.) are not subject to the provisions of this article. However, such activities, where practical, should be conducted in a manner that is consistent with these requirements.
2. Activities conducted on state or national forest land for the production or harvesting of timber and conducted in accordance with the "Forest Protection Guidelines Related to Water Quality" or the North Carolina Sedimentation Pollution Control Act of 1973 are not subject to the provisions of these requirements.
3. The provisions of these requirements shall not apply to DPNA-approved maintenance or rebuild activities or activities (e.g. piers, stabilization, mowing) which were allowed and/or approved by DPNA prior to the adoption of these requirements.

Include photos of approved buffer alterations typically associated with the creation of an approved viewshed and photos of buffer alterations that are not allowed for comparison purposes.

EXHIBIT 2

Floating Pier/Dock Specifications

I. Types of Pier/dock Permits and Designed Usage

DPNA will review applications for four (4) different types of piers/docks on the DPNA Reservoirs that are eligible for pier/dock permits. These type piers/docks and their intended usage are as follows:

- A. Commercial Marinas.** Commercial marina permits will allow permit holders to install a True Public Marina (see Exhibit 5). Applications for Commercial marinas will require federal, state, and local resource agency review, and possible review and approval by the Federal Energy Regulatory Commission. Commercial marinas are designed to accommodate the needs of the general public, may be allowed with proper approval to accommodate more than 10 watercraft and may charge a fee for their usage. Commercial marinas may offer boat rentals, the selling of gasoline, food supplies, or other commercial items.
- B. Private Marinas.** Private marina permits will allow permit holders to install a marina that may accommodate up to but not more than 10 watercraft. Applications for Private marinas will require federal, state, and local resource agency review, and possible review and approval by the Federal Energy Regulatory Commission Private marinas are designed to accommodate the private non-commercial use by private developments or homeowners associations that own property adjoining DPNA's shoreline property.
- C. Single-Family Piers/Docks.** Single-family pier/dock permits will allow permit holders to install a pier/dock, at which no more than two (2) motorized watercraft (or two large sailboats or combinations of both not to exceed (2)watercraft) with no limitation on non-motorized watercraft or (3) motorized watercraft with no non-motorized watercraft may be moored.. Single-family piers/docks are permitted for the private, non-commercial, use of individual property owners or lease holders that own/lease property adjoining the project boundary.
- D. Common Use Piers/Docks.** Common use pier/dock permits will allow individual property owners or lease holders that own property adjoining the project boundary to install a pier/dock, at which no more than five (5) watercraft may be moored. Common use piers/docks are designed for the private, non-commercial, use by two or more individual property owners that own/lease property adjoining the project boundary.

II. Pier/dock Size and Design.

Single-family piers/docks are by far the most common piers/docks permitted on any of the DPNA reservoirs. Therefore a standard maximum size for this type pier/dock has been established (See Figure 2). A single-family pier/dock may have terminals of any shape, provided that said terminal has outside dimensions of no greater than 20 x 26 feet. Jet ski pads may be attached to a single-family pier/dock only if the addition of the pad does not cause the overall size of the pier/dock to exceed size limitations. Overall length may not exceed 50 feet except as specified in Placement item 7 below. (Note: Jetskis are considered motorized watercraft and as such are limited in number for mooring at single-family and common use piers/docks as are other motorized watercraft).

Approved pier/dock size and design for common use piers/docks and marinas may vary due to location and adjoining lot size. DPNA will review design configurations for common use facilities on a case-by-case basis.

III. Specifications for Placement and Construction of Piers/Docks.

A. Placement

1. Piers/docks must be placed so that all portions of the pier/dock are at least fifteen (15) feet from the imaginary projection of adjoining side lot lines as those lines project out into the lake. Projection of these side lot lines is accomplished by extending an imaginary line perpendicular to the project boundary at each property corner. These lines are determined by bisecting the angle formed by the two projectfront property lines that intersect at each property corner. Exact placement of piers/docks will be determined by DPNA.
2. Unless otherwise specified, piers/docks must be placed at right angles to the shoreline.
3. No pier/dock may extend more than one-third (1/3) the distance across a cove.
4. Piers/docks must be secured in such a manner that the walkway is in contact with the shoreline at all times.
5. Posts, pipes or other rigid mooring devices may not be placed in reservoir waters unless used in conjunction with a floating pier/dock or to create a raised walkway over existing vegetation as identified in the Shoreline Management Plan in areas classified as Vegetated Areas/Coves with Stream Confluence.

6. Cables used to secure piers/docks to the shoreline may not encroach across projected side lot lines.
7. Overall length of a pier/dock (walkway and terminal end) may not be greater than 50 feet. DPNA will consider allowing an overall length of greater than 50 feet (not to exceed a maximum of 75 feet or 1/3 the distance across the cove) if a water depth of four (4) feet at the end of the pier/dock, at reservoir full pool elevation, can not be reached in that distance. DPNA will consider allowing an overall length of greater than 50 feet (not to exceed a maximum of 75 feet or 1/3 the distance across the cove) on Wolf Lake if a water depth of four (4) feet at the end of the pier/dock, at reservoir normal target elevation during the recreation season (May-Oct.), cannot be reached in that distance.

B. Construction.

1. All portions of the pier/dock and walkway must float with the exception of a raised walkway over existing vegetation as identified in the Shoreline Management Plan in areas classified as Vegetated Areas/Coves with Stream Confluence. Rigid, permanently affixed piers are not allowed on any DPNA reservoir. However, spud poles may be used to secure floating piers/docks.
2. All pier/dock flotation material must float when punctured. Encapsulated styrofoam is the recommended flotation material, however closed cell styrofoam and plastic barrels filled with expandable foam are allowed. Other forms of flotation may be allowed with prior written approval from DPNA. Beaded styrofoam and metal drums are expressly prohibited as flotation materials.
3. No covered or enclosed piers/docks are allowed on DPNA reservoirs.
4. Handrails on walkways and piers/docks must be open, and may not reduce boater visibility.
5. No covered or enclosed structures may be placed on piers/docks with the exception of small storage boxes that have been approved by DPNA.
6. Access ladders are allowed on piers/docks, however sliding boards, diving boards or other such structures are not allowed.

7. Habitable structures and waste producing facilities such as living quarters, sinks, bathrooms, and showers are not allowed on piers/docks and are not allowed to discharge into reservoir waters from any source.
8. Reflectors are required at the corners of all sides of the terminal end of the pier/dock except the side facing the shore. At least one reflector shall be placed on each side of the walkway, midway between the shore and the terminal end. White reflectors or white reflective tape attached with screws or nails are preferred. If white reflectors or reflective tape are not available amber reflectors may be used.
9. The construction of any facility must be completed as described in the approved application and within twelve months from the date of application approval by Lake Management. An extension will be considered for legitimate extenuating circumstances provided a specific timeframe in which to complete the construction, not to exceed an additional 12 months, is provided in writing to DPNA by the applicant.
10. Gasoline and oil may not be stored on piers/docks, except as approved as part of a commercial marina.
11. Electrical hookups are allowed on piers/docks provided they meet North Carolina Building Codes and have been inspected and certified by the county electrical inspector, where applicable. DPNA must be furnished with a copy of the county inspector's final inspection report.
12. Boatlifts may be allowed to be installed with proper written approval of DPNA. A total of one boatlift may be installed within a boatslip and/or one boatlift may be constructed adjacent to the outside of a boatslip. Only one boatlift will be considered for placement adjacent to a pier/dock without a boatslip.

IV. Inspections and Compliance.

All piers/docks permitted on DPNA reservoirs must at all times remain in compliance with the rules and regulations set forth in the Shoreline Management Guidelines. Piers/docks must also be maintained in a safe condition at all times.

A. Inspections.

DPNA reserves the right to enter upon and inspect any pier/dock at any time.

B. Compliance

Piers/docks, determined by DPNA to be non-complying structures, whether for violation of permit criteria or for safety reasons, must be repaired, removed or replaced by the owner within a timeframe as prescribed by DPNA. Unless otherwise specified, failure to make necessary changes or repairs in the specified timeframe will result in immediate revocation of the pier/dock permit and removal of the pier/dock from within the project boundary. Once a pier/dock permit is revoked for noncompliance, further lake use permitting activities may not be considered for a period of not more than five (5) years depending on severity and subject to successful plant restoration (when applicable) even if the adjoining property changes ownership.

EXHIBIT 3

Shoreline Stabilization and Erosion Control

1. With proper approval vegetation, dry stack rock, rip-rap rock five (5) to fifteen (15) inches in diameter or larger, or other environmentally friendly erosion control methods (i.e. bio-engineering) will be permitted.
2. Installation of erosion control methods require a DPNA permit, a 404 US Army Corp of Engineers permit and a 401 Water Quality Certification issued by the NCDNER-Division of Water Quality (DWQ). For 404 and 401 permit information contact the US Army Corps of Engineers office in Asheville, NC and the DWQ Asheville regional office.
3. Rip-rap must meet U.S. Army Corps of Engineers guidelines.
4. Erosion control efforts cannot change the basic contour of the existing shoreline.
5. All erosion control measures must meet local, state and federal requirements.
6. Filter fabric (geo-textiles) will be required for either rip-rap or dry stack construction.
7. The use of concrete or grout as an erosion control measure or as a component of an erosion control measure is prohibited.

Notes: Information to be included in the final SMG document. This information will be included but is not available in final form in time for inclusion in the documents provided prior to signing the Consensus Agreement 5/16/03.

Figure 1 to stay

Figure 2 to stay

Figure 3 to be re-drawn

Definitions sheet to be rewritten to exclude retaining walls and bulkheads.

Fee Schedule

Glossary

Exhibit 4Native Plant List
Mountain Region

Information sources- "Recommended Native Plant Species for Stream Restoration in North Carolina", Karen Hall- NC Stream Restoration Institute; and Ken Manuel- Duke Power.

| TREES | SMALL TREES/SHRUBS | HERBACEOUS |
|---|--|--|
| Acer rubrum red maple | <i>Alnus serrulata</i> tag alder | <i>Arisaema triphyllum</i> jack-in-the-pulpit |
| <i>Acer saccharum</i> sugar maple | <i>Amelanchier arborea</i> serviceberry | <i>Asclepias incarnata</i> swamp milkweed |
| <i>Acer negundo</i> box elder | Aronia arbutifolia red chokeberry | <i>Carex crinata</i> fringed sedge |
| <i>Aesculus octandra</i> yellow buckeye | <i>Asimina triloba</i> common pawpaw | <i>Carex intumescens</i> bladder sedge |
| <i>Betula alleghaniensis</i> yellow birch | <i>Calycanthus floridus</i> sweet-shrub | <i>Carex lupulina</i> hop sedge |
| Betula lenta cherry birch | Carpinus caroliniana ironwood | <i>Carex lurida</i> lurid sedge |
| Betula nigra river birch | <i>Cornus alternifolia</i> alternate leaf dogwood | <i>Carex scoparia</i> broom sedge |
| <i>Carya cordiformis</i> bitternut hickory | <i>Cornus amomum</i> silky dogwood | <i>Carex stricta</i> tussock sedge |
| Carya glabra pignut hickory | <i>Corylus americana</i> hazel-nut | <i>Carex vulpinoidea</i> fox sedge |
| <i>Carya alba</i> mockernut hickory | <i>Hamamelis virginiana</i> witch-hazel | <i>Chelone glabra</i> |

| TREES | SMALL TREES/SHRUBS | HERBACEOUS |
|---|--|--|
| | | turtlehead |
| Carya ovata shagbark hickory | <i>Ilex verticillata</i> winter berry | <i>Cyperus strigosus</i> umbrella sedge |
| <i>Diospyros virginiana</i> Persimmon | <i>Leucothoe axillaris</i> doghobble | <i>Elymus hystrix</i> bottlebrush grass |
| <i>Fagus grandifolia</i> beech, American beech | <i>Lindera benzoin</i> spicebush | <i>Eupatorium fistulosum</i> Joe-pye-weed |
| <i>Fraxinus americana</i> white ash | Lyonia ligustrina male-berry | <i>Eupatorium perfoliatum</i> boneset |
| <i>Fraxinus pennsylvanica</i> green ash | <i>Magnolia tripetala</i> umbrella tree | <i>Impatiens capensis</i> jewel-weed |
| <i>Halesia caroliniana</i> silverbell | Physocarpus opulifolius ninebark | <i>Juncus effusus</i> soft rush |
| <i>Ilex opaca</i> american holly | Rhododendron periclymenoides wild azalea | <i>Leersia oryzoides</i> rice cutgrass |
| <i>Juglans nigra</i> black walnut | Rhododendron viscosum swamp azalea | <i>Lobelia cardinalis</i> cardinal flower |
| <i>Juniperus virginiana</i> red cedar | <i>Rosa palustris</i> swamp rose | <i>Lobelia siphilitica</i> great blue lobelia |

| TREES | SMALL TREES/SHRUBS | HERBACEOUS |
|---|--|---|
| <i>Liriodendron tulipifera</i> yellow-poplar | <i>Salix sericea</i> silky willow | <i>Ludwigia alternifolia</i> bushy seedbox |
| <i>Magnolia acuminata</i> cucumber magnolia | <i>Spiraea latifolia</i> meadowsweet | <i>Panicum virgatum</i> switchgrass |
| <i>Nyssa sylvatica</i> blackgum | <i>Symplocos tinctoria</i> sweet leaf | <i>Polygonum sagittatum</i> tearthumb |
| <i>Picea rubens</i> red spruce | <i>Viburnum cassinoides</i> Withe-rod | <i>Scirpus atrovirens</i> green bulrush |
| <i>Pinus strobes</i> eastern white pine | <i>Xanthorhiza simplicissima</i> yellow-root | <i>Scirpus cyperinus</i> woolgrass |
| <i>Pinus echinata</i> shortleaf pine | <i>Cephalathus occidentalis</i> buttonbush | <i>Scirpus validus</i> soft stem bulrush |
| <i>Pinus taeda</i> loblolly pine | <i>Hydrangea arborescens</i> wild hydrangea | <i>Sparganium americanum</i> bur-reed |
| <i>Platanus occidentalis</i> sycamore | <i>Hypericum densiflorum</i> brushy St. Johnswort | <i>Thelypteris palustris</i> marsh fern |
| <i>Prunus serotina</i> black cherry | <i>Rhamnus caroliniana</i> Carolina buckthorn | <i>Uniola latifolia</i> river oats |
| <i>Quercus Alba</i> White oak | <i>Rhododerdron arborescens</i> sweet azalia | <i>Vernonia noveboracensis</i> ironweed |

| TREES | SMALL TREES/SHRUBS | HERBACEOUS |
|--|---|--|
| <i>Quercus montana</i> chestnut oak | <i>Salix caroliniana</i> carolina willow | <i>Arundinaria gigantea</i> river cane |
| <i>Quercus stellata</i> post oak | <i>Sambucus Canadensis</i> elderberry | |
| <i>Quercus rubra</i> red oak | | <i>Eleocharis acicularis</i> slender spikerush |
| <i>Quercus coccinea</i> scarlet oak | | <i>Eleocharis plaustris</i> creeping spikerush |
| <i>Quercus falcata</i> southern red oak | | <i>Eleocharis quadrangulata</i> square-stem spikerush |
| <i>Quercus velutina</i> black oak | | <i>Elymus virginicus</i> Virginia wildrye |
| <i>Salix nigra</i> black willow | | <i>Scirpus americanus</i> three-square bulrush |
| <i>Tilia heterophylla</i> white basswood | | <i>Hibiscus moscheutos</i> swamp rose mallow |
| <i>Tsuga canadensis</i> eastern hemlock | | <i>Onoclea sensibilis</i> sensitive fern |
| <i>Tsuga caroliniana</i> carolina hemlock | | <i>Osmunda cinnamomea</i> cinnamon fern |
| <i>Ulmus alata</i> winged elm | | <i>Osmunda regalis</i> royal fern |
| <i>Gleditsia triacanthos</i> honeylocust | | <i>Apios Americana</i> groundnut vine |
| <i>Liquidamber styraciflua</i> | | <i>Campsis radicans</i> |

| TREES | SMALL TREES/SHRUBS | HERBACEOUS |
|---|-------------------------------|--|
| sweetgum | | trumpet creeper |
| <i>Morus ruba</i> red mulberry | | <i>Clematis virginiana</i> virgin's Bower |
| <i>Ostrya virginiana</i> Eastern hophornbeam | | <i>Parthenocissus quinquefolia</i> Virginia creeper |
| <i>Populus deltoides</i> Eastern cottonwood | | <i>Wisteria frutescans</i> American wisteria |
| <i>Taxodium distichum</i> baldcypress | | |

Exhibit 5

TRUE PUBLIC MARINA REQUIREMENTS

The following information will be used to determine the classification of marinas at the projects. To be classified as a *True Public Marina*, the facility must meet all of the requirements in sections 1 and 2. Section 3 identifies the application fee and security deposit to be paid.

1. No predetermination of user groups for any of the existing or proposed land or water based facilities.
 - a. No Private Marinas (existing or proposed)
 - b. No membership requirements
 - c. Transient services do not require wet or dry storage rental
2. Existing and/or proposed facilities will provide land and water based recreation services for transient users at less than or equal to a reasonable and customary fee.
 - a. Services are available for transient users
 - b. Offers services for lake and land based users
3. Application filing fee and security deposit reductions
 - a. If adding only the following type of facilities; courtesy pier/dock, hiking trail, wildlife viewing , gas pier/dock, fishing pier, boat ramp, swimming area, beach, boat repair/servicing, public restrooms or any other truly public service, then the application fee and security deposit will be reduced by 100%.
 - b. If adding facilities that will be rented for greater than 14 days, but less than or equal to 365 days, there will be a 50% reduction in the application fee and security deposit.
 - c. If the plan is the same as b., but also includes adding more types of items in 3 a., then the application fee and security deposit will be reduced by 100%.

Exhibit 6

**Lake Use Permit Review Flow Chart
(Private Piers / Stabilization)**



