

SHORELINE USE PERMIT CONDITIONS

1. This permit is granted solely for and is limited to the stated purpose(s). This permit conveys no property rights, whether real or material, and does not authorize any damage to private property or interference of private rights. All Federal, State and local laws and regulations still apply, including any permits required for construction, operation, use or maintenance of the facility and/or activity. The permittee and/or designated alternate shall be legally responsible for activities taking place under conditions of this permit. Failure to comply with permit conditions will result in permit revocation. It is also a violation of Section 327.19, Title 36, Code of Federal Regulations, to not comply with terms or conditions of any permit issued under the provisions of the Shoreline Management Plan.

2. The 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, said permit shall be null and void. No guarantee of permit approval is implicit if a permitted facility is sold or ownership is otherwise transferred. The permittee on record or their authorized representative shall notify the Operations Manager of ownership transfer no later than the date of said action. The new owner may apply for a Shoreline Use Permit through the Operations Manager. If the permit is granted, the new owner shall have 30 days to comply with all current requirements of the Shoreline Use Permit or to remove the facility and restore the area of use.

3. 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, resulting from or associated with the ownership, construction, operation or maintenance of the facilities and/or activities.

4. The Operations Manager or authorized representative shall be allowed to cross the permittee's property to inspect facilities and/or activities under permit.

5. No attempt or action shall be made to forbid or restrict the full and free use of all public waters and/or lands by the public or to interfere with any authorized project purposes.

6. Ownership, construction, operation, use and maintenance of a permitted facility is subject to the Government's navigational servitude. Should the approved location of a permitted facility unreasonably interfere with navigation or subsequent operations by the Government require relocation of a facility and/or activity, the permittee agrees to remove, alter, or relocate the permitted facility upon written notice from the District Engineer, without expense to the Government.

7. The Government is not and shall not be liable for any damages or injury to a permitted facility caused by or resulting from operations undertaken by the Government for the improvement of navigation or for other lawful purposes. No claims or rights 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.

8. All structures will be designed, sited and constructed to minimize damage to the landscape, and to preserve any scenic values existing in the area. Ownership, construction, operation, use and maintenance of a permitted facility and/or activity is subject to all Federal, State and local laws and regulations.

9. A permit shall be null and void if construction is not completed within the stated time frame. Further, the permittee agrees to: minimize the degradation of water quality during construction or use of the facility; safely operate and maintain any permitted facility and/or activity; and to minimize or remove any adverse impact on fish and wildlife habitat, natural, environmental, or cultural resources.

10. The permit tag shall be posted on the permitted facility and/or on the permitted land areas in accordance with the instructions of the Operations Manager.

11. Facilities granted under this permit may not be leased, rented, sub-let or provided to others by any means of engaging in activity(s) by the permittee or permittee's agent or representative.

12. Permitted facilities and activities are subject to periodic inspection by authorized Corps representatives. The permittee shall be notified by the Operations Manager of any deficiencies and shall have 30 days to correct same. No deviation or changes from approved plans will be allowed without prior written approval of the Operations Manager. Failure to correct the itemized deficiencies shall be cause for permit termination.

13. The use of a boat dock shall be limited to the mooring of the permittee's vessel or watercraft and the storage of gear essential to the operation of such vessel or watercraft.

14. Floats and flotation for all docks and boat mooring buoys shall be fabricated of material manufactured for marine use. The float and 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 not be subject to damage by animals or vegetation under normal conditions for the area. All floats and the flotation material shall be fire resistant. Any float within 40 feet of a line carrying fuel shall be 100% impervious to both 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 flotation may be used until it is no longer serviceable, fails to perform its designated function, or fails to meet the specifications for which it was originally warranted. Replacement flotation must meet the above conditions.

15. Floating dock facilities shall be securely attached to the shore in accordance with the approved plans. Moorings will not obstruct public use of the shoreline or adversely affect the natural terrain or vegetation. Anchoring to vegetation is prohibited.

16. Floating facilities may not be used as a place of habitation, whether full or part-time. No discharge of sewage or gray water is allowed into the waters of the lake.

17. Plumbing will not be permitted without prior approval from the Operations Manager. All approved plumbing will comply with Federal, State, and local codes. Approved plumbing will not discharge any effluent into the lake water.

18. The use of AC power is prohibited on private floating facilities.

19. Vegetation modification permits require that the permittee delineate The Government property line in a clear, but unobtrusive, manner as approved by the Operations Manager. No vegetation other than that stated in the permit may be damaged, destroyed or removed. No vegetation of any kind will be planted other than that specifically stated in the permit. No alteration of landform such as grading, excavation or filling is authorized by this permit.

20. All signs other than permit tags will be coordinated through the Operations Manager to provide and maintain uniformity.

21. If permitted facilities are removed for storage or extensive maintenance is required, the Operations Manager may require all portions of the facility be removed from public property.

22. The District Engineer may revoke this permit by 30 days written notice for failure to comply with any permit condition or term, or as necessitated by public interest. Notice of revocation shall be mailed to the permittee by registered or certified letter, specifying the reasons for such action. Failure to accept the certified letter or otherwise not respond to a notice of revocation shall be grounds for impoundment and disposal. A request for hearing with the District Engineer may be submitted in writing by the permittee within the appeal period. The request should be submitted through the Operations Manager. The hearing date will be held within 60 days from the date the hearing request is received in the office of the District Engineer. A decision will be mailed to the permittee by certified letter.

23. Upon termination or revocation of a permit, the permittee shall be responsible for removing the facility from project lands and/or waters, within 30 days, at his/her expense, and restoring the waterway and lands to a condition acceptable to the Operations Manager. Non-compliance may result in citation and/or removal of the facility - whether by contract or otherwise - and the permittee on record will be liable for all costs incurred.

24. The District Engineer has the authority to revoke any shoreline permit, effective immediately, in an emergency.

25. These standards do not apply to commercial leases.