

# Adjacent Landowner's Lakeshore Management Guide



US Army Corps of Engineers  
Green River Lake

## ***Purpose***

The Green River Lake project is operated and maintained by the U.S. Army Corps of Engineers (Corps). This Lakeshore Management Guide provides guidance and information to help adjacent landowners understand how the lakeshore is managed. Types of permissible activities that may be allowed are described. Further, the guide addresses other relevant information specific to lakeshore management at Green River Lake.

## ***Authority***

The Corps' shoreline management policy is set forth in Engineer Regulation (ER) 1130-2-406. One of the governing factors in the development of the ER was Public Law 91-190, (National Environmental Policy Act of 1969), which directs Federal agencies to adopt plans which will preserve the natural aspects of our national heritage, and to maintain an environment which supports diversity and a variety of individual choice. The ER was issued in 1974 and covered Corps lakes nationwide. It provides policy and guidance for lakes where private shoreline uses may be allowed and for those where they are prohibited. The ER stipulates that no private shoreline uses will be allowed on lakes where none existed as of December 13, 1974. No private shoreline uses were present on Green River Lake at its 1969 impoundment nor prior to the 1974 cutoff.

## ***Jurisdiction***

The term "project" herein refers to the land and water areas of Green River Lake. The Corps enforces federal laws and regulations within the project's fee boundaries. The Commonwealth of Kentucky, and its

political subdivisions, retains statutory responsibility to enforce state and local laws. The Corps cooperates with respective Federal, state and local agencies in their enforcement responsibilities specific to the lands and waters of Green River Lake. In the event of natural disaster, such as tornado, windstorm, etc., which causes damage to public property, adjacent property owners may call the Green River Lake Office, at 270-465-4463, to report damage, or for guidance and information.

## ***Specified Acts Permits***

The Specified Acts Permit is a non-fee permit issued to adjoining landowners for specified minor activities on project lands. Permits are issued only for the purpose of protecting structures on adjoining private property and/or removal of a potential safety hazard. The permit will detail the authorized work, including methods to be employed; type of equipment to be used; and time frames for completion and restoring public land. Drawings, plans, or photographs may be required to process the permit. Specified Acts Permits are not issued for activities that will damage, destroy, or significantly alter public lands or features.

Permits are issued for vegetative modification only. To apply for a Specified Acts Permit call the Green River Lake Office at 270-465-4463 to set up an on-site meeting with a Park Ranger. Permits will be issued for no more than one calendar year, with all expiring on 31 December of the year of issuance. Permits contain site specific conditions.

Permits are non-transferable and become null and void upon sale or transfer of the permittee's adjacent private property, or death of the permittee and legal spouse. If

ownership of adjacent private property changes, the new owner must contact the Green River Lake Office to obtain a new permit.

## ***Access Requirements***

Applicants for a Specified Acts Permit must own property adjacent to project lands. Proof of ownership must be validated by submitting a copy of the recorded deed for the adjacent private property.

## ***Site Requirements***

Permits will not be issued in areas determined to be wetlands, to be environmentally sensitive, or to have cultural, historical, or archaeological significance. The location of the activities must not cause a safety hazard to the applicant/user or general public.

## ***Vegetative Modification***

Shoreline vegetation is extremely important and essential in protecting water quality and the natural environment of the Green River Lake Project. Adjacent landowners are encouraged to assist the Corps in maintaining and protecting the natural environment and resources of the project. However, in some instances it may be appropriate to allow minor vegetative modification on project lands. Vegetative modification includes, but is not limited to, cutting, pruning, or removal of vegetation

**Fire Protection:** Vegetation removal may be authorized for up to a 100-foot radius from a dwelling or substantial structure located on private property to provide a reasonable degree of fire safety protection.

Vegetation removal is limited to woodland understory vegetation (shrubs, brush, vines, briars, etc.) measuring less than 3 inches in diameter at the ground level. Under no circumstances will vegetation over 3 inches in diameter at ground level, or native ornamental, flowering trees and shrubs, be removed regardless of size.

Limbs on remaining trees and vegetation may be cut even with the trunk up to one third the height of the tree and/or plant, not to exceed 18 feet.

Vegetation removal may be accomplished by using tools that allow the operator to selectively remove vegetation. Acceptable tools include, but are not limited to, power hand tools, chain saws and weed trimmers. Heavy equipment, such as tractors, bush hogs, and bulldozers are prohibited. Dead or diseased trees may be cut only after being inspected, approved, and marked by a Park Ranger.

**Hazardous Trees:** Dead trees play an important role within the natural environment by providing habitat for wildlife. However, if the location of a dead tree poses a potential safety hazard to an adjacent property, the adjacent landowner may be allowed to cut and/or remove the tree from public property, provided the tree will not be used or sold as timber.

**Authorization:** As with any activity on public property, vegetative modification must be authorized and an approved permit received by the applicant prior to commencement of work on-site. Initiation of the permit process begins with an on-site meeting with a Park Ranger to identify where vegetative modification can be authorized and to develop a vegetative modification plan.

### ***Boundary Line Management***

Green River Lake has approximately 155 miles of fee boundary line (often referred to as the "red line") surrounding 23,967 acres of fee property above the summer pool. The boundary line is marked by placement of farm-type metal posts that are painted red. Some of the metal posts mark the location of brass-capped monument markers that identify survey points in the boundary line. Red paint on trees is often used to help locate boundary markers, but does *not represent the exact boundary line. It simply indicates that the line is nearby.* There are also plastic orange boundary line posts and small, red metal placards in some areas.

It is possible that recorded plats of private property do not agree with the true boundary line at Green River Lake. To prevent encroachments, the Corps recommends that adjacent property buyers contract the services of a licensed surveyor prior to purchase, and that current owners contract the services of a licensed surveyor prior to any construction. Discrepancies must be resolved prior to the start of construction activities on any land in question. Encroachments onto lands owned in fee by the United States are subject to collateral citations, which can result in a fine not to exceed \$5,000 and/or up to six months in jail (Title 36, Code of Federal Regulations, *Chapter III, Part 327*), and the responsible party will be required to remove the encroaching structure. Questions and requests for assistance should be made to the project office.

### ***Flowage Easement***

In addition to fee property, the Federal Government acquired flowage easements over 1,616 acres of land around Green River Lake, using the ground elevation of 718 as an acquisition guide. These easements were purchased for the temporary storage of flood water during periods of high rainfall and, with the exception of farm fences, give the Corps the authority to restrict construction within the flowage easement. Vegetation alteration (mowing, agriculture, timber harvesting, etc.) is allowed under the flowage easement restrictions, without any further authorization from the Corps. Any activity that changes the contour of the land (placement of fill or excavation) does require written consent from the Corps. Septic systems and structures intended for human habitation are strictly prohibited on land encumbered with a flowage easement. Any other type of improvement requires approval by the Park Manager and written authorization.

The boundary line of flowage easement property is not well marked. Legal descriptions of acquired flowage easements are contained in the Government's acquisition documents recorded in the County Recorder's Office, and should appear as an encumbrance against the property during a title search. Some information on the boundary of flowage easement property is available at the Green River Lake Office. To locate the boundary line on any affected property, however, the Corps recommends that landowners obtain the services of a licensed surveyor. Encroachments on land encumbered by a flowage easement are violations of legal restrictions on the property and are subject to litigation. They also constitute a title

defect which may affect the future sale of the landowner's property, and the Government cannot assist landowners in the resolution of title defects.

### ***Conclusions***

The Corps is charged to protect and manage the Green River Lake Project within its scope of authority while providing recreational opportunities for the entire public, and preserving and protecting the natural resources. It is the intent of this Lakeshore Management Guide to provide adjacent landowners with an overview of the policies and procedures we use to fulfill that mission.

Further information on the Guide may be obtained by contacting the Green River Lake Office at 270-465-4463.