



**US Army Corps
of Engineers®**

Louisville District

Shoreline Management Plan

Cecil M. Harden Lake

2023

Shoreline Management Plan

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REGULATIONS PERTAINING TO
Cecil. M. HARDEN LAKE
WABASH RIVER BASIN, INDIANA
LOUISVILLE DISTRICT
CORPS OF ENGINEERS-Revision Date 2022

1. **Administrative and Regulatory Guidelines.**

a. **Purpose.** The purpose of this regulation is to provide policy and guidance on the management of the shoreline of Cecil M. Harden Lake, Indiana. It is designed to provide for a balanced use of the shoreline while preserving and protecting the natural resources of the project.

b. **Scope.** This plan is applicable to Cecil M. Harden Lake. Shoreline shall be construed as the portion of Cecil M. Harden Lake that is held in fee simple estate by the United States of America whether or not it is covered by water. Easement estate held by the United States of America is not considered under this regulation but is subject to the restrictions recorded in the easement document.

c. **References.**

- (1) Section 4, 1944 Flood Control Act, as amended, (16 USC 460d).
- (2) The Rivers and Harbors Act of 1894, as amended and supplemented (33 USC 1).
- (3) National Historic Preservation Act of 1966 (P.L. 89-665; 80Stat. 915) as amended (16 USC 470 et seq.).
- (4) The National Environmental Policy Act of 1969 (42 USC 4321, et seq.).
- (5) The Clean Water Act (33 USC 1344, et seq.).
- (6) Title 36, Chapter III, Part 327, Code of Federal Regulations, "Rules and Regulations Governing Public Use of Water Resource Development Projects Administered by the Chief of Engineers."

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- (7) Executive Order 12088 (13 Oct 78).
- (8) 33 CFR 320-330, "Regulatory Programs of the Corps of Engineers."
- (9) ER 1130-2-406, "Shoreline Management at Civil Works Projects."
- (10) ER 1130-2-400, "Management of Natural Resources and Outdoor Recreation at Civil Works Water Resource Projects."
- (11) ER 1110-2-4401, "Clearances for Electrical Power Supply Lines and Communication Lines over Reservoirs"
- (12) EM 385-1-1, Safety and Health Requirements Manual."
- (13) Indiana Natural Resources Commission Policy on Private Bank Ties and Group Boat Docks, Raccoon Lake (C. M. Harden).
- (14) The Water Resources Development Act of 1986 (P. L. 99-662).
- (15) Indiana Department of Natural Resources General Property Regulations.

d. **Policy.** It is the policy of the Chief of Engineers to protect and manage shorelines of all civil works water resource development projects under the U.S. Army Corps of Engineers (USACE) jurisdiction in a manner which will promote the safe and healthful use of these shorelines, while maintaining environmental safeguards to ensure a quality resource for use by the public. The objectives of all management actions are to achieve a balance between permitted uses and resource protection for general public use.

e. **Objective.** The objectives of the Shoreline Management Plan are:

- (1) To preserve, protect, and enhance the environmental quality of Cecil M. Harden Lake.
- (2) To promote the safe and healthful use of the Harden shoreline for recreational purposes for

the general public.

- (3) To manage the use of public property in a manner that maintains a balance between authorized non-exclusive use and protection of the resource for general public use.
- (4) To promote restoration of the shoreline where degradation has or could occur.
- (5) To protect aesthetic quality and sustain natural conditions.
- (6) To minimize the impact upon resources where shoreline use is authorized.
- (7) To protect and enhance the fish and wildlife within the area.

2. Development of Shoreline Management Plan.

A Shoreline Management Plan is required for each Corps of Engineers' project where shoreline use is allowed. The original Lakeshore Management Plan was developed by the Corps and the Indiana Department of Natural Resources (IDNR) through a public participation process and put into effect in 1978. This plan allocated the lakeshore into various classifications or zones and outlined the authorized activities for each zone. Included were fee schedules for permits, specifications for community docks, guidelines for vegetation alteration and debris removal, as well as other factors affecting shoreline use. A change in the nationwide regulation governing shoreline management at Civil Works Projects, dated 31 October 1990, made it necessary to revise and update the plan for Harden Lake during the 1996 review and update. In formulating the revised Shoreline Management Plan, the previous allocation of the shoreline was carefully reviewed to determine if the existing zoning was adequately serving the needs of the using public.

The entire plan was subjected to a public involvement process and valid public concerns and comments were incorporated. Again in 2013, the plan was reviewed and updated. In 2022, after consultation with the IDNR, a review and revision of the plan was undertaken. The revised plan was written and will be administered solely by the US Army Corps of Engineers. The next review of the Shoreline Management Plan will be scheduled five years from the effective date of this plan.

3. Shoreline Allocation.

a. **General.** Shoreline allocation (zoning) is the designation of the Corps of Engineers' property into various land management zones. Specific activities or uses are permitted for each zone. The land use allocations have been made in a manner which the Corps of Engineers deem to best manage and protect project resources for the benefit of the general public, while at the same time providing a certain level of permitted shoreline use to adjacent property owners. ~~The placement of riprap material in no way affects the zoning of the project.~~ The entire shoreline of Cecil M. Harden Lake has been allocated into one of the zoning areas outlined in Paragraph 3.b., and delineated on the map found in Appendix A. A large-scale aerial photograph with the zoning marked is available for viewing at the Cecil M. Harden project office. The zoning classification assigned to an area applies to the land from the water's edge to the project boundary. ~~The exact locations where zoning classifications change are delineated using project monumentation as described on Page 5.~~

b. **Types of Zoning.**

(1) **Prohibited Access.** Public access is not allowed in Prohibited Access Areas for health, safety, or security reasons. These areas generally include the dams, outlet structures, spillways, and adjacent areas that are set aside for project operations. No other shoreline development is permitted in or near these areas.

(2) **Public Recreation Areas.** These areas are designated for concentrated use by the general public and include day use areas, campgrounds, launching ramps, and commercial concessionaire facilities. No shoreline uses are allowed in or near these areas. This also includes areas designated for future recreation development in the project Master Plan.

(3) **Protected Shoreline Areas.** These are areas where no shoreline use permits are authorized for bank ties, private floating facilities, or fixed recreation facilities. The areas have been so designated to maintain aesthetic features or to protect specific resources. Factors considered in a Protected designation may include: the potential for erosion, excessive siltation, exposure to high wind or wave action, fish and wildlife habitat, and water depth. Normal foot traffic for access, hiking, fishing, or other activities not involving alteration of the resource is allowed in a Protected Shoreline Area.

The only other permitted uses allowed in these areas are erosion protection utilizing riprap, or a permit for debris removal. These uses may be allowed only after the Project Manager (or their representative) has determined that no adverse environmental impact will result, and a permit or license has been issued to the individual. No permission is required for entry upon Protected Shoreline Areas and no individual shall attempt to impede the free access by the general public to these lands.

(4) **Limited Development Areas.** Limited Development Areas are shoreline areas in which permitted shoreline uses or facilities are authorized through the issuance of a license or permit. The specific activities that can be permitted are listed in subsequent sections specific to each structure or activity. Activities or structures may be allowed only after the licensee or permittee has taken steps to ensure the protection of the environmental resource. The maximum density of floating and fixed recreation facilities in Limited Development Areas is established as 50%, in accordance with guidance provided in Reference 9. Density of development is determined by comparing the total length of shoreline that is obstructed by docks and/or other facilities to the total length of the segment that is zoned as Limited Development. When a segment of Limited Development Area reaches maximum density, no additional facilities or improvements will be allowed in that segment.

c. Zoning Changes.

Redesignating zoning classifications is considered a major change to the Shoreline Management Plan and therefore requires a public involvement process as part of the formal revision. ~~Requested changes which have significant benefits and no adverse impacts may be incorporated into the revised plan after complete coordination with the IDNR.~~ Zoning changes will be made only in an effort to protect natural resources. Zoning changes from Protected to Limited Development will not be considered. The revised plan will be subject to public review and comment prior to submission to the Commander, Lakes and Rivers Division for final review and approval.

Map work which was produced to support prior Shoreline Management Plans did not provide enough detail to adequately differentiate between Limited Development and Protected Lakeshore in some locations. There are some areas where the shoreline zoning was updated in the 2022 plan revision to reflect current land use in those areas.

4. Encroachments and Trespasses

An encroachment is an unauthorized structure or improvement built, installed, or established on project lands which interferes with a real estate interest of the United States, regardless of whether it is a fee or easement interest. A trespass is an unauthorized activity or transient use and occupancy of government land which may cause damage or destruction to public property (to include, but not limited to, tree cutting, vegetation alteration such as brush clearing, excavations, etc.).

4.1 **Consequences.** Encroachments or trespasses may result in termination of any or all permit(s) or license(s) that have been issued in accordance with this Plan, the violator may be subject to prosecution under Title 36, Chapter III, Part 327, CFR, or other laws, and a moratorium may be placed on the issuance of any new permit and/or licenses. In those instances where government property has been damaged, the moratorium will apply to the current property owner/developer responsible for the encroachment/trespass, as well as any successors in title for a period of up to 15 years from the date that the encroachment or trespass is resolved. In those instances where there is no damage to government property, the moratorium will not exceed 5 years. In either case, if shoreline zoning is changed during the moratorium to Protected Shoreline, a request for reinstatement of the permit/license will not be considered, and/or any previously grandfathered rights (as to location, limits, design, etc.) will be null and void and will not be reinstated.

In instances where vegetation has been damaged, destroyed, altered, or removed from government property, the amount of restitution and the length of the moratorium will be determined by the Cecil M. Harden Lake Project Manager utilizing an appraisal method accepted by the Louisville District Corps of Engineers. Other types of damages will be appraised on a case-by-case basis using the best available method. The length of the moratorium will be based on the following restitution costs:

<u>Restitution Cost</u>	<u>Length of Moratorium</u>
<u>Less than \$3,000</u>	<u>Up to 5 Years</u>

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<u>\$3,000 - \$6,000</u>	<u>Up to 10 Years</u>
<u>Greater than \$6,000</u>	<u>Up to 15 Years</u>

4.2 **Removal of Unauthorized Structures.** Unauthorized structures may be removed by the Government in accordance with the provisions of Title 36, Chapter III, Part 327, Code of Federal Regulations, and the violator may be cited into Federal Court. The violator may be responsible for any costs incurred by the Government as a result of the removal of any unauthorized structure(s).

5. **Boundary Identification.**

5.1. Corps of Engineers Actions.

- 5.1.1. The boundary line between government property and adjacent private property has been surveyed and marked either by concrete monuments or survey pins and boundary markers. Corps personnel periodically inspect and maintain the boundary line. The approximate location is marked by orange fiberglass posts with decals, painted trees or fiberglass placards with decals, immediately adjacent to the line on either side and typically within five feet of the line.
- 5.1.2. Any encroachment or trespass on government fee or easement land, by an individual or organization precludes the granting of shoreline use permits and licenses. Therefore, any encroachment or trespass must be resolved prior to the granting of the permit or license. A visual inspection of government property will be part of the permit/license application process, as well as a review of government records to ensure that there is no moratorium in place (See Section 4) that would preclude the issuance of a permit or license.

5.2. Landowner Actions

- 5.2.1. It is the adjacent landowner's responsibility to determine the exact location of the boundary line prior to initiating any action

that might result in a trespass or encroachment upon government property. A private survey is recommended prior to any construction or vegetation removal adjacent to public lands. While the Corps of Engineers makes a concerted effort to maintain boundary markers, adjacent landowners are responsible for verifying their own property lines.

- 5.2.2. The holders of vegetation alteration permits are required to mark the property line as specified in Section 18 of this Plan. Other adjacent landowners are encouraged to mark the line in a similar manner for their own benefit at no cost to the Government.
- 5.2.3. The placement of licensed/permitted facilities requires the precise location of common property lines. It is the applicant's responsibility to ensure that the licensed/permitted facilities do not encroach on adjacent private property.
- 5.2.4. Landowners adjacent to government property who are performing logging operations, or removing trees or vegetation on private property, or landowners having this work performed for them, must be certain as to the location of the common property line in order to ensure that government trees are not removed or damaged. In the event that trees are trimmed, cut, removed, or damaged on government property, the landowner may be cited to Federal court. Activities that cause damage and/or destruction to public lands may result in termination of any or all permit(s) or license(s), and/or denial of future applications in accordance with the provisions of Section 4 of this Plan.

6. Flowage Easements.

- 6.1. Flowage easements allow the Government to flood those lands and prohibit the construction of any structure, other than farm fences, without the prior written approval of the Government. That approval is given in the form of a Consent to Easement Structure and is not governed by this Plan. Habitable structures are

strictly prohibited on flowage easement lands. The restrictions on construction are necessary to prevent any actions that could interfere with the Government's right to use the properties for flood storage. Owners of property subject to these easements are encouraged to know the boundaries of the easements and the restrictions imposed on their use of the property. Violation of the easement restrictions creates an encroachment, and it is the landowner's responsibility to resolve any encroachment activity.

7. Shoreline Use in Limited Development Areas

7.1. **General.** All facilities on government property must be authorized by a permit, license, or other formal document. The specific types of development identified in this Plan that do not interfere with project operation may be authorized in Limited Development Areas with a permit or license. Permits and licenses may be issued only to adjacent property owners, or property owners within a developed subdivision adjacent to government property, who have legal right of access to the shoreline. The Project Manager may request documentation of the right of access. Should the right of access be lost for any reason, the permittee will immediately remove the facility from government property. Applications for all structures or actions requiring a permit or license shall be submitted to the Project Manager to schedule a joint inspection of the area. If the proposed action is not acceptable under the provisions of this Plan, the request will be denied and documented in the files. If the request is acceptable, the applicant will be given instructions to complete the request. The Project Manager will process the completed application and issue the permit or forward the completed license application to the District Real Estate Office where the license will be reviewed.

7.2. **Compliance with Approved Plans.** Anyone performing work authorized by a permit or license must be in possession of a copy of that permit/license while work is being performed. All construction on government property will be inspected to ensure compliance with approved plans. When deviations from the approved plans are noted, all work will stop

immediately until satisfactory measures are taken to ensure that the provisions of this Plan are met. If work is being performed by a contractor, any deviation from the submitted plan must be acknowledged by the landowner. Continued noncompliance may result in the license or permit being revoked and the owner removing the structure and restoring the area to its original condition. Structures which are not removed within 30 days after written notice is provided may be impounded and/or removed by the Corps of Engineers in accordance with Reference 6. The owner will be assessed the costs incurred by the Corps for any impoundment and/or removal. All new or reconstructed community docks or dock sections will be inspected for compliance with submitted plans and specifications before being placed on the lake.

- 7.3. **Compliance Inspections.** The Project Manager will perform compliance inspections of all licensed or permitted facilities and activities. The Project Manager, or an authorized representative, will be allowed access through the permittee's or licensee's property to conduct these inspections. The instrument holder will correct non-compliance with the license or permit provisions.
- 7.4. **Renewals.** Although courtesy renewal reminders are mailed prior to expiration of the permit/license, renewal is the responsibility of the permittee/licensee at no cost to the Government. It is imperative that permit and/or license holders take appropriate action to renew their permit(s) and/or license(s) before the term expires. Regardless of when the permit/license is renewed, the term of the new permit/license will begin the day following expiration of the expiring permit/license to insure no shortening of the original term. However, if a permit or license is not renewed within 30 days of its expiration, the permitted or licensed facility becomes an unauthorized structure and will be treated as an encroachment, in accordance with the provisions of Section 4 of this Plan, and the permittee and/or licensee may be denied a new permit/license for up to five (5) years.
- 7.5. **Licenses/Permits are not Transferable.** Permits and licenses are not transferable except as noted below.

Upon the sale or other transfer of the permitted/licensed facility or the death of the permittee/licensee and his/her legal spouse, the permit or license is null and void. New owners of adjacent property should not assume that activities or facilities approved under a previous license or permit will be authorized under a new license or permit. The process for reissuance of permits to new owners is discussed in subsequent sections of this plan.

7.6. Grandfathered Facilities.

7.6.1. As noted throughout this Plan, some existing permits and licenses have been exempted from the current requirements to recognize commitments made in previous shoreline management plans. Conditions that apply to those particular grandfathered facilities are included in the sections of this Plan that deal with each type of facility.

7.7. Appeal Rights.

7.7.1. The Project Manager may revoke any permit when it is determined that the public interest requires such revocation or when the permittee fails to comply with the terms and conditions of the permit. The permittee will be notified by certified letter.

7.7.2. The Project Manager may deny a permit application when the applicant does not meet the eligibility requirements set forth in this Plan, or if the permit would violate the conditions set forth in this Plan.

7.7.3. In either case, the applicant or permittee will be allowed a 30-day period from the date of notification to submit an appeal request in writing to the Project Manager. The Project Manager will review the appeal request and forward for review by the Operations Manager for the Middle Wabash Area. The Operations Manager will make a decision on the appeal, and notify the applicant or permittee by certified letter.

7.7.4. The terms for revocation of a license are addressed in the license document and are coordinated with the Real Estate Division.

7.8. **Prohibited Items or Activities.** The following is a list of items or activities that are prohibited on government property but is not intended to be all inclusive.

7.8.1. **Items:**

- (1) Flower, plant, or vegetable gardens.
- (2) Formal arrangements of hedges and shrubs.
- (3) Swings, picnic tables, signs, patios, etc.
- (4) Boat houses.
- (5) Piers or jetties.
- (6) Marking buoys.
- (7) Buildings or any structure not covered by a permit, license/lease.
- (8) Sewage lines or related structures.
- (9) A well or spring development.
- (10) Fences (except farm fences on the property line). The adjacent landowner erecting the fence is responsible for determining the exact location of the property line, which may require a professional survey.
- (11) Anchor posts or devices such as fenders, bumpers, tires, logs, etc.
- (12) Garbage, debris or refuse dumps or garbage pickup points.
- (13) Fuel tanks or other fuel storage containers.
- (14) Chairs, tables, umbrellas, and/or carpet may not be left on government property or

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on docks/seawalls unless in use at the time. If not in use, they must be kept on boats or in an approved storage cabinet (on floating docks only). No permanent mounting of items of this type are permitted.

- (15) Diving boards, rope swings, (or similar devices).
- (16) Any other structures, items, or equipment on docks or land not specifically approved by permit or license.
- (17) Inflatable Items moored around docks or on government property (i.e., water trampolines, tubes, floating toys, floating platforms, floating diving platforms, other water toys not described here). Items must be placed on boats, in an approved storage cabinet on a floating dock, or removed from government property when not in immediate use.
- (18) Planting of any herb, grass, shrub or tree not native to the county in which the property lies.
- (19) Zip lines, swings or any other item attached to, going through, or over government property.

7.8.2 **Activities:**

- (1) Painting or whitewashing of any tree trunk, boulder, rock outcrop, stump or other feature.
- (2) Alteration of the natural terrain by making cuts or fills, unless in conjunction with the construction of a licensed or permitted facility.
- (3) Ranging, grazing, watering or allowing livestock on project lands.
- (4) Brush clearing, tree cutting, or any type of

vegetation removal (unless specifically authorized by permit or license).

7.8.3 **Environmental / Cultural Issues:**

In all aspects of natural and cultural resources management, USACE promotes awareness of environmental values and adheres to sound environmental stewardship, protection, compliance, and restoration practices. Our goal is to apply the best management practices (BMP's), that will protect, enhance and restore habitat and in some instances limit public access to protect historical, natural, and cultural resources. The USACE conducts environmental reviews in accordance with the National Environmental Policy Act (NEPA) of 1969, which requires federal agencies to consider the effects of their proposed projects on the human and natural environment before final decisions are made. These environmental reviews under NEPA typically also include assessments that facilitate compliance with other environmental review requirements such as those under the National Historic Preservation Act (NHPA) and the Endangered Species Act (ESA). The NHPA directs federal agencies to consider the effect of any undertaking (a federally funded or assisted project) on historic properties. Historic property is any district, building, structure, site, or object that is eligible for listing in the National Register of Historic Places because the property is significant at the national, state, or local level in American history, architecture, archeology, engineering, or culture. The ESA requires federal agencies, in consultation with the U.S. Fish and Wildlife Service and/or the National Oceanic and Atmospheric Administration's National Marine Fisheries Service, to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of any listed endangered or threatened species or result in the destruction or adverse modification of designated critical habitat of such species. Proposed items or activities will be evaluated on a case-by-case basis to determine if the proposed action may impact a known or suspected cultural or environmental resource sites. Furthermore, coordination will be undertaken as necessary to ensure no requested activities would result in negative impacts to cultural or environmental resource sites. Persons with permits or licenses shall comply with any laws, regulations, conditions, or instructions affecting the activity authorized if and when issued by any Federal, state, interstate, or local governmental agency having jurisdiction.

Activities:

- (1) Excavation or disturbance of an archaeological site, or the removal of an artifact.
- (2) Metal detector use and digging activities

related to metal detector use is prohibited (without written permission from the District Engineer, or authorized representative) except as permitted in Title 36, Chapter III, Section 327 CFR.

- (3) Use of herbicides or pesticides for vegetative, animal, or insect control.
- (4) Use of soaps, solvents, cleaners, strippers, or mechanical processes (such as sanders, grinders, or power washers) that result in chemical, particle, or other materials/pollutants being deposited on government land or water.
- (5) Disturbance of any environmental feature, animal home, wildlife habitat, fishery habitat, or other environmental feature not described here.
- (6) Disposal or dumping of leaves, yard waste, brush, or vegetative material.

8. **Licenses.** Licenses are issued by the Louisville District's Real Estate Division and authorize the placement, use, and maintenance of land-based facilities.

8.1 **Encroachment or Trespass.** A visual inspection of government property will be part of the license application process. Any encroachment or trespass on government fee or easement property by an individual or organization precludes the granting of a shoreline use license. Therefore, any encroachment or trespass must be resolved prior to the granting of a license. In certain instances where an encroachment or trespass has resulted in damage to government property a moratorium may be placed, or may already be in effect, on the issuance of any new permits/licenses in accordance with Section 4 of this Plan.

8.2 **Fees.**

8.2.1 License fees are collected for all licenses issued under the authority of this plan. License fees are based on the fair market value and the administrative cost of processing and administering the license.

License fees are reviewed annually and are subject to change as the market values and/or administrative costs change. Current license fees will be provided by the Project Manager upon request. All license fees will be paid in advance. Cash will not be accepted. Licenses are not transferable, and no refunds will be made if the licensee terminates the license before the expiration date. A refund may be issued if the Government terminates the license through no fault of the licensee.

- 8.3 **Application.** The applicant shall contact the Project Manager or his/her representative to request a new license. ~~and request a stairway or step license.~~ The Project Manager or a USACE Park Ranger will inspect the proposed site to determine the feasibility of granting a license. If feasible, the applicant will be given an application form and advised of the cost of the license. The completed application, plans, specifications for the structure, and the required fee shall be submitted to the Project Manager. Following local review, the application will be forwarded to the Indiana Department of Natural Resources for concurrence. After final approval, the Louisville District Corps of Engineers Real Estate Division for final approval and issuance of the will issue the completed license document.

Applicants for Licenses shall provide a plan for construction of their facility which shall provide sufficient detail to allow the Project Manager to understand that the applicant will build the facility in accordance with this plan. This plan will at a minimum include the following: Drawing, materials, location, equipment to be used, completion date.

- 8.4 **Vegetation Management.** Vegetation alteration includes removing selected trees, underbrush, or driftwood, trimming, pruning, and mowing. Prior to the removal of any vegetation, the licensee shall meet with a USACE Park Ranger who will outline the limits of the allowable area and designate certain tree or stems that must be left in the area. Clear cutting will not be allowed. Trees larger than 3" in diameter at ground level will not be cut. The Project Manager can authorize the removal of damaged

trees, downed trees, or selected standing trees if he or she determines that such conditions constitute a bona fide safety hazard. These activities will be considered on a case-by-case basis and may be coordinated with the U.S. Fish and Wildlife Service to ensure compliance with the Endangered Species Act. Existing licensees shall contact the local Corps office before any vegetation alteration is conducted. The fee for this permit (if required) is in addition to that charged for a license.

- 8.5 **Site Restoration.** Disturbance to the work site and the surrounding area will be kept to a minimum. Any damage caused by vehicles, equipment, etc., needed for construction or hauling will be repaired immediately. Any trees, shrubs or other protective vegetation should not be disturbed, damaged or removed without prior approval of the Corps' representative. Following construction of a licensed facility, the License holder shall restore any disturbed area by planting native vegetation. No vegetation which is listed by the Indiana Invasive species council shall be planted on Government Property. Grass seed shall be approved by the Project Manager. A native tree list can be provided by the project office upon request.
- 8.6 **Conditions.** The conditions for licenses are found in the license instrument. The licensee agrees to abide by those conditions upon acceptance of a license, and failure to do so will result in termination of the license. Upon termination of any license, the licensee is required to remove all improvements and restore the premises to the satisfaction of the Project Manager. Failure to do so results in an unauthorized structure that will be resolved in accordance with the provisions of Title 36 cited above in Section 4 of this Plan.

9. **Improved Pedestrian Access (License)** Improved pathways, footbridges, and stairways/steps are designated as improved pedestrian access facilities and may be authorized for access to permitted boat dock and seawall facilities in Limited Development Areas.

- 9.1 **General.** ~~Stairways and steps~~ These structures may be permitted in Limited Development Areas through the issuance of a license by the RealEstate Division. These structures will be approved only where

necessary to provide safe access to the shoreline to access a boat dock or seawall. They will not be authorized for landscaping or ornamental purposes or overgentle terrain presenting no major obstacles to foot traffic. It is the Government's intent to limit the number of ~~pathways~~ licensed facilities to the greatest extent possible to minimize the impacts on natural resources. In areas where more than one adjacent property owner has applied for ~~a pathway~~ an improved pedestrian access license, joint use of a new or existing ~~pathway~~ license will be required to the greatest extent possible. Licensees cannot restrict use of that portion of a licensed facility located on government property.

9.2 **Improved Pathways.** Improved ~~foot~~ paths shall not exceed 6 feet in width and may be covered with creek gravel, crushed stone, tan bark, wood chips, natural stepping stones, or other readily removable material. Asphalt or concrete will not be used for the ~~foot~~ path surfacing. Landscaping timbers may be used to edge the path and confine the surface material; however, such timbers will be securely anchored to prevent them from floating away during periods of inundation. Small culverts, ditches, and cart turn around areas will be permitted on a case by case basis. No significant alteration of the terrain (over 6 inch cut and fill) will be permitted for a foot path. The slope of the path should be held to a minimum by using a meandering design to reduce erosion damage. Pathways will be limited to 500' in length.

9.2.1 Existing Pathways which exceed the maximum length will be grandfathered as to their length for current and future owners. They may be repaired and improved in accordance with this plan.

9.2.2 Areas where multiple pathways all lead to a common location will be consolidated to the greatest extent possible. This may require that a license not be reissued to a new owner of a property in these situations. It will be the intent of the Project Manager to limit impacts resulting from access to permitted and licensed facilities through consolidating these pathways.

- 9.2.3 An Authorized User is defined as an individual who has a permitted or licensed facility or activity on Government Property.
- 9.2.4 Authorized users of Improved Pathways (or members of their household) who have a demonstrable permanent disability Permanent Mobility Impairment which ~~impairs~~ limits mobility ~~will~~ may be given permission to use and park a low speed conveyance on the improved pathway ~~government property~~ for access to the shoreline. These users must submit written certification in a format acceptable to the Project Manager that documents the existence of a permanent mobility impairment affecting the applicant or a member of their household. Only golf carts, riding mowers, and similar low speed conveyances may be used. Users must obtain a decal from the Project Manager for their cart.
- 9.3 **Stairways/Steps** Drawings on the following pages provide examples of stairway features which can be used for developing site specific plans to be submitted with the license application. When these structures have been authorized, they should be angled or designed in an offset configuration to blend with the terrain and minimize erosion damage. The overall length of steps is to be minimized. Steps are to be built as close to the ground as possible. Design should be made in accordance with the below listed dimensions and material specifications, and construction must comply with all applicable building codes. A 4' opening may be required on all structures with handrails to allow property owners access from either side, at a point(s) approved by the Project Manager and to allow wildlife safe passage. Stairways/steps shall comply with the above mentioned drawings and 9.5 below.
- 9.4 **Foot Bridges.** Foot bridges may be authorized where necessary to traverse ditches or ravines that impede access to the shoreline or a dock. Bridges will not be authorized for ornamental or landscaping purposes. The design and construction of foot bridges shall comply with 9.5 and the footbridge drawing which

follows that section.

9.5 Specifications for Improved Pedestrian Access

Licenses. The basic structures should blend in with its natural environment and follow the natural line of the slope. It should not extend appreciably above its surroundings or out into the lake.

9.5.1 **Materials.** The preferred building material is pressure-treated dimensional lumber, however other materials may be considered as well. Alternative decking material, such as composite decking may be utilized with prior approval but may require additional bracing in accordance with the manufacture's recommendation. Cross ties, telephone poles and other materials containing creosote will not be allowed. Metal staircases, placed concrete steps and steps constructed of mortared block, brick or stone will not be permitted.

9.5.2 **Anchoring.** All steps or stairways will be firmly anchored in place. Trees shall not be used as an anchoring device. Handrails shall not be attached to trees. Structures will be firmly anchored to prevent flotation.

9.5.3 **Painting.** New steps and stairways will not be painted. A clear sealer may be applied to wooden materials. Existing wooden structures that were previously painted may continue to be painted with a color approved by the Project Manager and metal structures may be maintained with the surface treatment of the initial installation.

9.5.4 Specifications for Stairways/Steps and Footbridges.

Stringers for Steps. 2" x 12"

Step Treads. 2" x 12", two 2" x 6", or three 2" x 4" Step Riser. Minimum 4" and Maximum 7"

Landing Platform. No greater than 4' x 6' with 2" x 10" joists and 2" x 6" decking or greater.

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Cross support joists to be on 2' centers.

Columns/Post for Support and Handrails.

4" x 4" if under a 12' run

6" x 6" (or 6" - 8" pole) if over a 12' run

Handrails. 42" high above stair treads/decking with 2" x 4" railing if posts are greater than 6' apart. Greater spacing of posts requires 2" x 6" railing with 2" x 4" supplemental railing attached under the 2" x 6" at top of post.

Guardrails. 2" x 4" or greater guardrail 20" above steps/decking. Hardware. Fasteners and fittings acceptable for use with pressure-treated lumber shall be used.

Concrete Anchors. Secure anchors are required for all columns/posts; however, anchors shall be kept flush with ground level. Posts may be secured either by a 1/4" steel bracket or by placement directly into the concrete.

Width. Staircases are to be 3' to 4' in width. Staircases exceeding 3 feet in width require a center stringer.

- 9.6 **Grandfathered Structures.** Except as noted elsewhere in this plan, licenses for pedestrian access that do not meet the guidelines in this plan will be allowed to remain for the lifetime of the current licensee or his/her spouse as long as they are maintained in a safe condition. Should the structure become unsafe or the adjoining property be sold, the structure will be replaced with an approved structure or be removed, and the area restored in accordance with the conditions in the license.

Approved materials for improved pathways



Creek gravel



Crushed stone



Tan bark



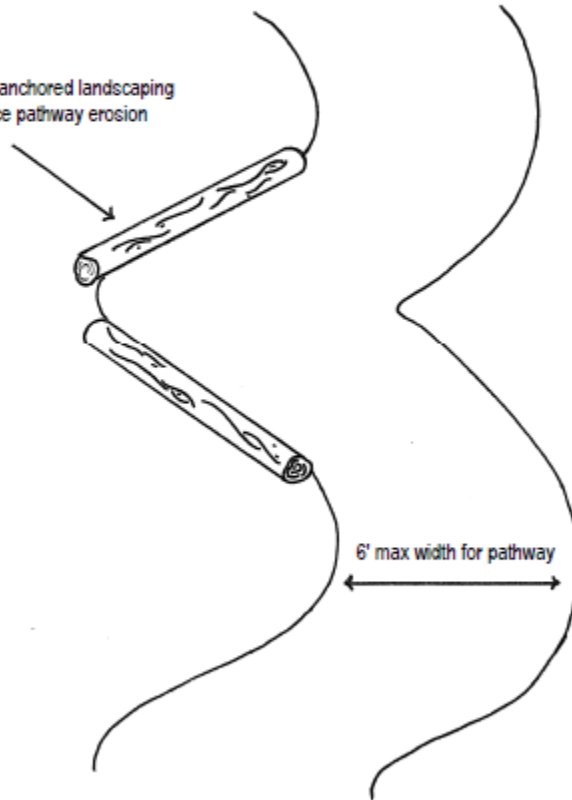
Wood chips



Natural stepping stones

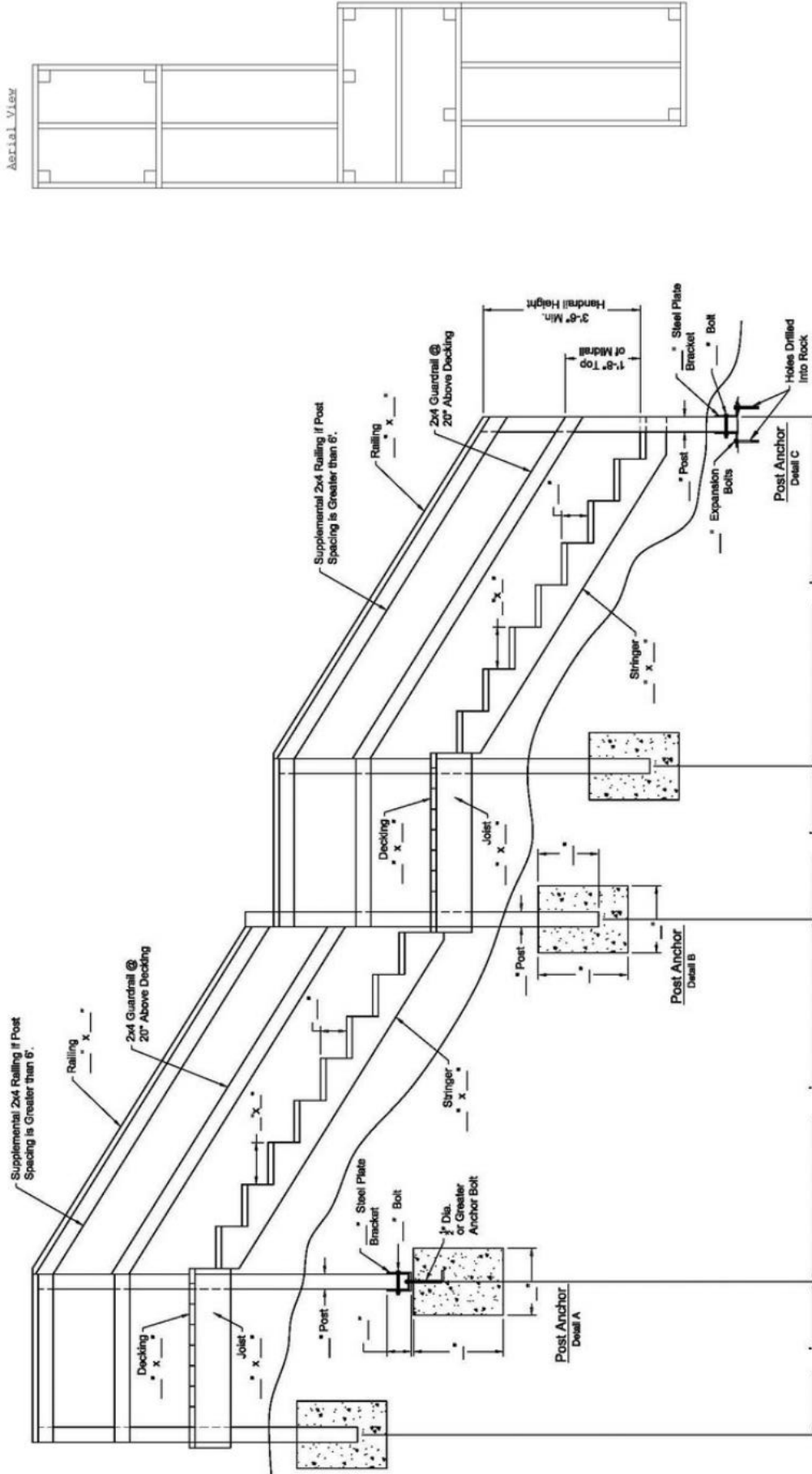
Design Specifications For Improved Pathways

Optional use of anchored landscaping timbers to reduce pathway erosion



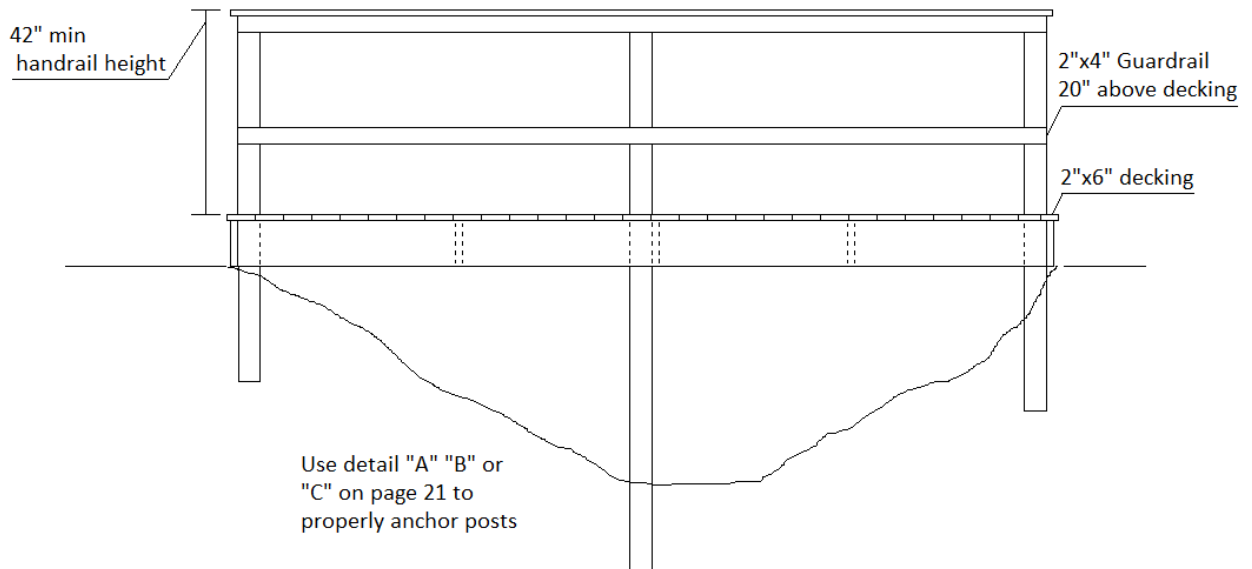
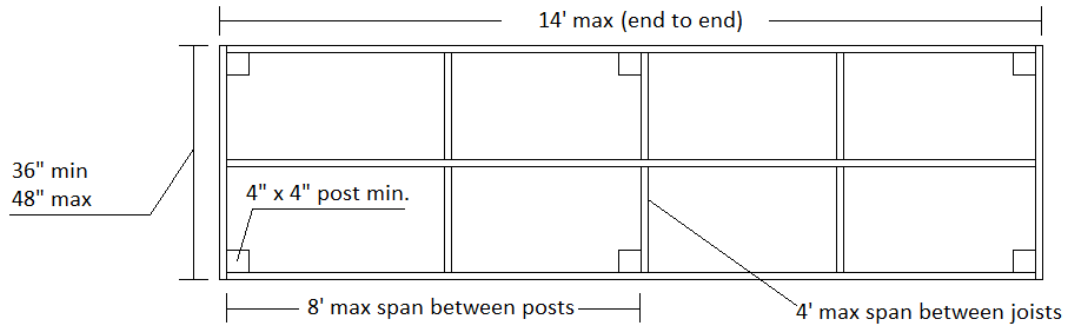
* Pathway is meandering to reduce erosion potential

* Overall length of improved pathways to be limited to 500'



Note: Show Dimensions in Spaces Provided.
Elevation View

STEP PLAN
 U.S. Army Corps of Engineers,
 Louisville District
 2015
 Drawing 4
 Scale: None



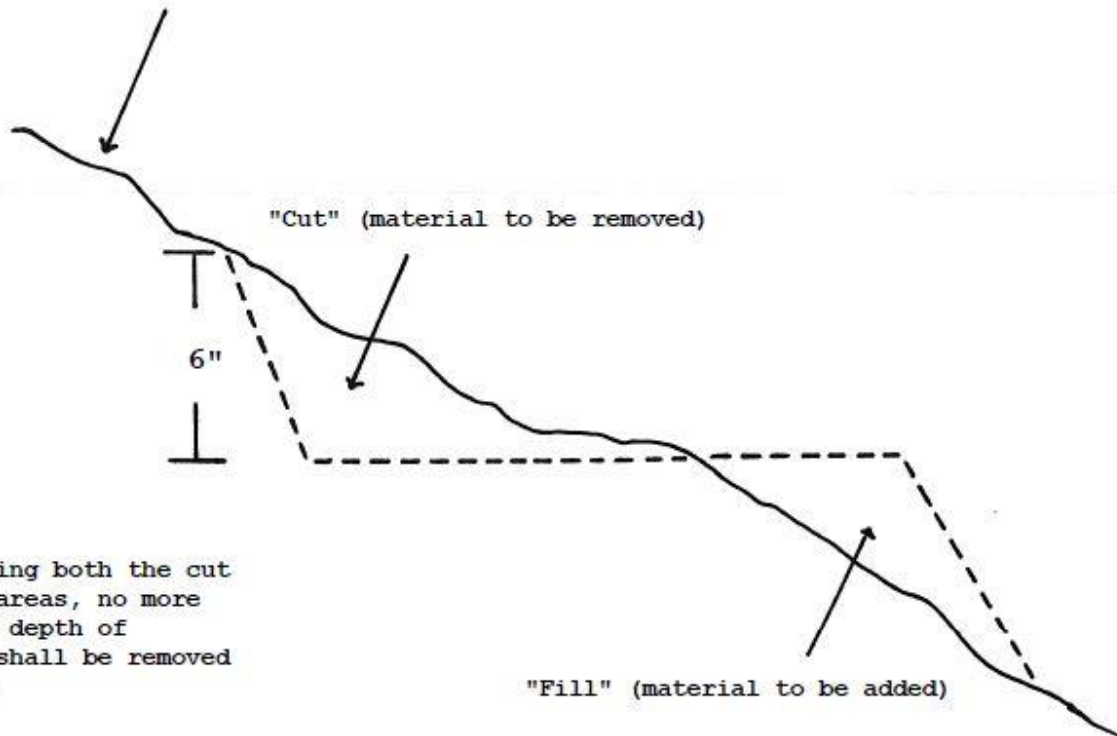
FOOT BRIDGE PLAN

U.S. Army Corps of Engineers,
Louisville District

Drawing No.
Scale: None

Cuts and Fills

Natural contour of the landscape



* Concerning both the cut and fill areas, no more than a 6" depth of material shall be removed or added.

Cut and Fill Requirements

US Army Corps of Engineers
Louisville District

Scale: none

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10. Seawalls. These structures may be constructed in limited development areas through the issuance of a license.

10.1 Eligibility: Applicants must own property in a developed subdivision which is adjacent to government property that is zoned Limited Development and have legal access through a community access point to the government property line or own a tract of land which adjoins government property that is zoned Limited Development. Applicants must provide proof of ownership, such as by presenting a recorded deed. Members of Community boat docks are not eligible for seawall licenses.

10.1.1 A maximum of one seawall per property unit and a maximum of 2 seawalls per household will be authorized.

10.2 Design and Construction.

10.2.1 The structure shall be constructed from treated lumber, or recycled plastic lumber/panels (decking only). ~~or untreated materials such as cypress or redwood.~~ Cross ties, telephone poles and lumber treated with creosote are prohibited.

10.2.2 The structure should blend in with its natural environment and follow the natural curves of the shoreline. It should not extend appreciably above or below its surroundings or out into the lake. ~~In most cases~~ Seawalls will be constructed to a maximum of ~~2 to~~ 3 feet above and ~~2 to~~ 3 feet below the normal summer pool level. The ends of the seawall will be capped or joined into the natural ground with either extensions of the structure or riprap.

10.2.3 Size. New seawall licenses will allow for 1 seawall which will be ~~seawall must extend to a~~ minimum length of 25 feet ~~(maximum amount of shoreline reserved by an IDNR Bank Tie)~~ a minimum of 25 feet in length and not exceed 50 feet in length, parallel to ~~along the~~ shoreline. ~~Any seawall greater than 25 feet in~~

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~~length may be permitted, however, if shoreline space becomes limited any portion of the seawall beyond 25 feet may be subdivided for additional users.~~

- 10.2.4 Seawalls must be a minimum of 400 feet from the centerline of a boat dock that is installed parallel to the shoreline and a minimum of 200 feet from the centerline of a dock that is installed perpendicular to the shoreline.
- 10.2.5 The top of the structure must be flat with no vertical or horizontal extensions which might cause injury. A walkway with a maximum width of 48" may be built along the top of the seawall.
- 10.2.6 The upright supports should be at least 6" x 6" treated posts buried at least 3 feet into the ground set in concrete. Posts shall ~~generally be placed~~ a maximum of 4 feet apart. A minimum thickness for the horizontal portion of the seawall is a 2" thick treated board. Larger material may be required at the discretion of the Project Manager.
- 10.2.7 Deadman devices extending back into the existing ground will be used to help stabilize and hold the seawall upright. The number of these devices necessary will be site specific, but a minimum of three will be required. These devices will be attached securely to the seawall posts. Treated lumber posts, metal rods set in concrete, or screw-in metal anchors may be used as deadmen. These deadmen should be placed at least 4 feet behind the seawall posts. ~~Sometimes~~ In areas where extremely poor soil conditions exist, a secondary wall may be constructed as an integral part of the seawall structure to prevent additional sloughing of the eroded slope. This secondary wall will also require deadman anchors for stability.
- 10.2.8 The disturbed area behind the structure must be filled by gravel, natural stone, or riprap

at construction. Other areas around the structure, such as in front of seawall may require placement of stone depending on the individual site. The amount of riprap (or miscellaneous fill from the lake) that may be placed within a licensed seawall will be determined by the Project Manager after reviewing the structure's design. Riprap will be Class I Channel Liner (rip rap), 6" to 12" in size.

10.2.9 All construction work on seawalls should be undertaken and completed when the pool level is between elevations of 657 and 640 m.s.l. Seawalls shall be completed within 90 days of the issuance of the license. Exceptions may be granted based on environmental conditions.

10.2.10 Disturbance of the bank and the surrounding area outside the work site will be kept to a minimum. Disturbed areas will be graded and seeded or riprapped to prevent erosion. Any damage caused by vehicles or equipment during construction will be repaired immediately to the satisfaction of the Project Manager.

10.3 Appurtenant Structures.

10.3.1 Any structure added to a seawall must be approved by the Project Manager.

10.3.2 Boat lifts or any device which attaches to the shoreline or seawall to remove a vessel partially or entirely from the water for storage are prohibited.

10.3.3 Mooring whips, bumpers, and bumper strips allowed, but should be white, black, or a neutral color.

10.3.4 Carpet or other covering is prohibited.

10.3.5 Removable ladders may be attached to seawalls. Ladders shall be a neutral color.

10.3.6 Constructed steps and stairways extending from the seawall and into the lake are prohibited.

10.4 Grandfathering of Seawalls

Some previously permitted seawalls do not comply with the requirements of this plan. These facilities are identified below. Any seawall with a valid permit prior to the enactment of this plan that is not directly listed but is later found to fall under any of these criteria will be held to the same grandfathering standards.

These facilities will be grandfathered to the current owner and his/her spouse only. They will be allowed to remain until the structure requires major maintenance or until there is a change in ownership of the associated private property. Major maintenance is defined as the replacement of any structural member.

Upon the transfer of ownership of the property, the need of replacement of the permitted/licensed facility or the death of the grantee and his/her spouse, the permit/license shall become void, and the facility must be removed, and the area restored.

These structures will be grandfathered as follows:

10.4.1 Seawalls located in Protected Shoreline:

- Permit # D-214-1

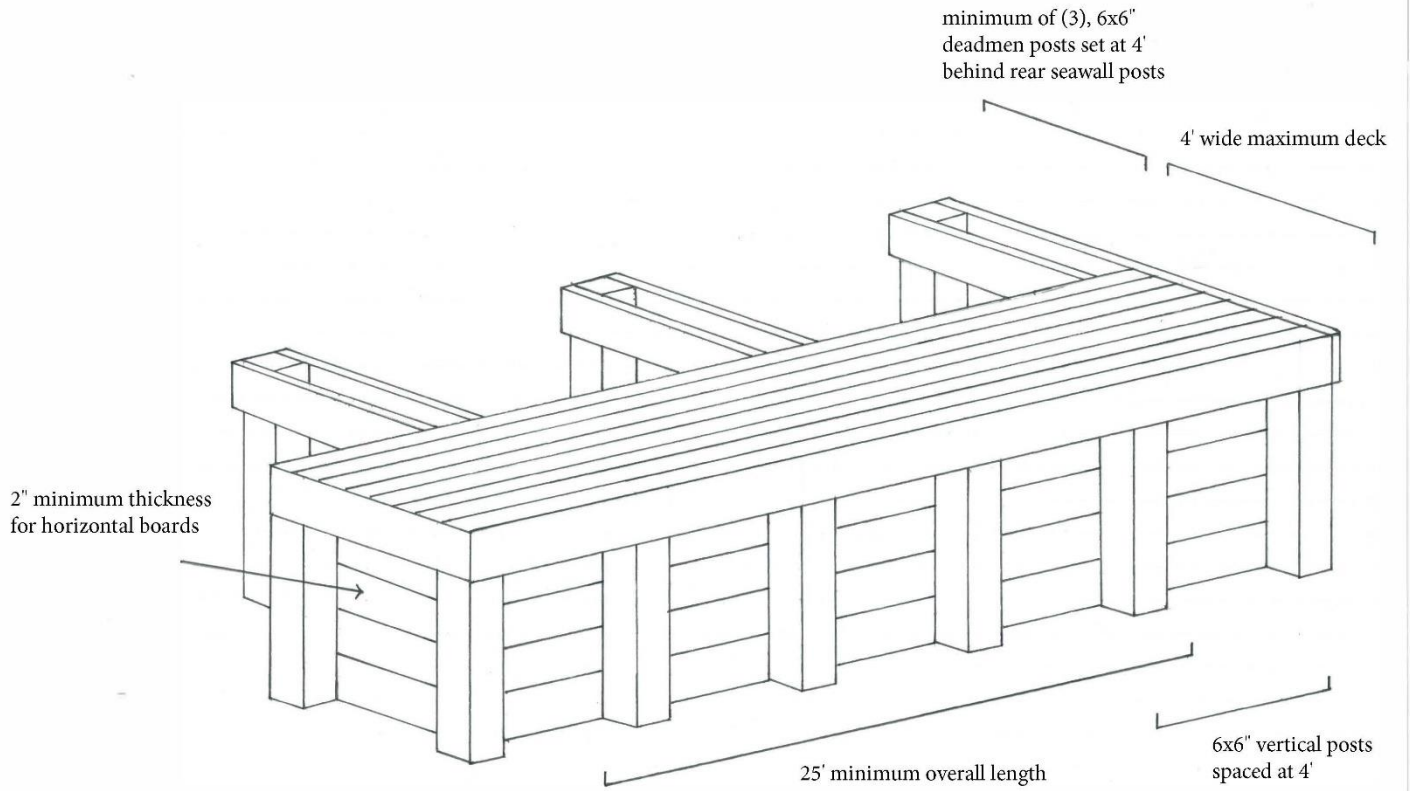
10.4.2 Seawalls permitted to individuals that do not own property (ie. Campgrounds).

- USACE Permit A-222-2
- USACE Permit A-222-3
- USACE Permit A-222-5
- USACE Permit A-222-6
- USACE Permit A-222-8
- USACE Permit A-230-1
- USACE Permit A-232-1
- USACE Permit A-232-2
- USACE Permit C-197-1
- USACE Permit D-5-1
- USACE Permit D-25-1

- USACE Permit D-27-1
- USACE Permit D-35-1
- USACE Permit D-233-1

10.4.3 Seawalls associated with commercial use:

- USACE Permit B-408-1
- USACE Permit B-410-1
- USACE Permit B-414-1



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11. **Roadways.** ~~Roadways may be licensed only in conjunction with access from public roads to private property. Private Roadways providing vehicular access to shoreline facilities, ramps, parking lots and turnarounds are prohibited. Any existing roadway will be grandfathered to current and future owners. licenses will be honored to the life of the licensee and his/her spouse. These facilities will be allowed to remain as long as the license is maintained and is in substantial compliance.~~

12. **Electrical Service.** ~~No new electrical service will be installed on Government Property. Existing electric service may will be licensed allowed to remain only at community boat docks which exist as of the date of this plan for the installation of lighting and convenience outlets, Continued use of these electrical services is conditional. The providing that the service must pose neither safety hazard nor conflict with other uses of the project. No permanently installed electrical service is allowed on floating facilities due to the widely fluctuating pool levels of Cecil M. Harden Lake.~~

The electrical licenses that are not at community boat docks will be grandfathered to current owners only. Upon sale or other transfer of property or when they can no longer be safely maintained in accordance with applicable regulations, they must be removed.

12.1 **General.** ~~The installation of eElectrical services which remain will be to authorized facilities on fee-land is permitted allowed under the provisions of a license issued by the Real Estate Division. Electric service will be permitted for lighting and convenience outlets only adjacent to community floating group docks. All such service shall pose no safety hazard to any individual nor interfere with any aspect of project operations. Due to the wide fluctuation of pool levels at Cecil M. Harden Lake, no electrical service is permitted on any floating facility except commercial concession marinas.~~

12.2 **Conditions.** The following conditions apply to all electrical service on Government land that serves permitted or licensed facilities:

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- 12.2.1 All electrical installations must conform to the National Electric Code, the National Electrical Safety Code, as well as all state and local codes.
- 12.2.2 All electrical service that extends upon Government land must be inspected by a certified electrician and proof of compliance provided to the Project Manager, Cecil M. Harden Lake prior to energizing any circuits following maintenance and Electrical facilities must be re-certified at each renewal of the license.
- 12.2.3 All electrical circuits which extend onto Government land must have a properly operating ground fault interrupter (GFI) installed above elevation 695 m.s.l. Failure to provide the GFI or to maintain such in a proper working condition may result in the license being revoked. The GFI shall be installed on a post or on the exterior of a building in plain view where it is readily accessible and shall be approximately 4 feet above the ground. The GFI should be marked clearly with "Emergency Shutoff".
- 12.3 Existing Facilities. ~~Immediately upon approval of this plan, all existing electrical service extending onto Corps of Engineers lands at Cecil M. Harden Lake shall be upgraded to meet the requirements noted in Paragraphs a. - f. of this appendix (except for the aerial service wiring covered by Paragraph d.). The ParkProject Manager will require the immediate upgrade or removal of any electrical service that is not certified, does not meet code or is not safely maintained. It is the responsibility of the licensee to assure that the initial inspection or certification is accomplished and to provide proof of such to the ParkProject Manager and to obtain recertification prior to renewal. Corps of Engineers personnel will periodically inspect to assure that facilities are properly maintained in compliance with these conditions.~~ Existing electrical service which do not serve community boat docks shall be grandfathered to existing license holders only. Upon

sale of associated private property, the license holder must remove the facility from government property. These grandfathered facilities must pass an electrical inspection at each license renewal and meet all other conditions of the license. Any repair work must meet applicable electrical and safety codes. Failure to comply with the license may result in revocation and required removal of the facility.

Electrical services at community boat docks may be relicensed to future owners, as long as the facilities remain in substantial compliance with the license document and the Shoreline Management Plan.

13. **Permits.** Permits are issued by the Project Manager for the placement, use, and maintenance of floating facilities, vegetation alteration, unimproved paths, and for specified acts that are necessary and unique.

13.1 Encroachment or Trespass. A visual inspection of government property will be part of the permit application process. Any encroachment or trespass on government fee or easement property by an individual or organization precludes the granting of a shoreline use permit. Therefore, any encroachment or trespass must be resolved prior to the granting of a permit. In certain instances where an encroachment or trespass has resulted in damage to government property, a moratorium may be placed, or may already be in effect, on the issuance of any new permits in accordance with Section 4 of this Plan.

13.2 Fees. Permit fees are collected for floating boat docks and vegetation alteration to defray the costs incurred by the Corps to process the permit and to inspect the permitted facility/area. These fees are established by Headquarters, U.S. Army Corps of Engineers and are uniform for all civil works projects under the jurisdiction of the Corps. Fee Schedules are subject to periodic revision. Current fee schedules can be obtained at the Corps' project offices. All permit fees will be paid in advance. Cash will not be accepted. Permits are not transferable, and no refunds will be made if the permittee terminates the permit before the expiration

date. A refund may be issued if the Government terminates the permit through no fault of the permittee.

13.3 Conditions. The conditions for shoreline permits are stated below, and the permittee agrees to abide by these conditions upon acceptance of a permit. The permit conditions are enforceable through Title 36, Chapter III, Part 327, Code of Federal Regulations. Violations of this regulation may be punishable by a fine of not more than \$5000 and/or imprisonment of not more than 6 months. The Project Manager may require additional restrictions on a permit based on site specific conditions.

- (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 or 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 requires an alteration in the location of a permitted

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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 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 to provide safety, minimize any adverse impact on fish and wildlife habitat, natural, environmental, or cultural

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resources values and in a manner 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 Project 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 satisfy the Project 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 of the facility.
- (14) The flotation material for slips shall be fabricated of materials manufactured for marine use. Flotation materials shall be 100% warranted for a minimum of 8 years against sinking, becoming waterlogged, cracking, peeling, fragmenting, or losing beads. All flotation shall resist puncture and penetration and shall not be subject to damage by animals under normal

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conditions for the area. Flotation material shall be fire resistant. Flotation material, which is within 40 feet of a line carrying fuel, shall be 100% impervious to water and fuel. New or recycled plastic or metal drums or non-compartmentalized air containers are prohibited. Existing flotation will be authorized until it has severely deteriorated and is no longer serviceable or capable of supporting the structure, at which time it shall be replaced with approved flotation. For any flotation installed after the effective date of this specification, repair or replacement shall be required when it no longer performs its designated function or 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 Project 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 Project Manager.
- (16) Floating facilities shall be securely attached to the shore in accordance with the approved plans with moorings that do not obstruct general public use of the shoreline or adversely affect the natural terrain or vegetation. Anchoring to vegetation is prohibited. Every attempt should be made to route anchor cables to avoid trees. If that is not possible, a protective coating or rubber hose shall be placed on the cable to prevent damage. Anchoring and winch devices will be kept at ground level.
- (17) The permit display tag will be posted on the permitted facility and/or on the land areas covered by the permit by a USACE Park Ranger so that it can be visually checked with ease in accordance with instructions provided by the Project Manager.
- (18) No vegetation other than that prescribed in the

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permit will be damaged, destroyed, or removed. No vegetation of any kind will be planted, other than that specifically prescribed in the permit.

- (19) This permit authorizes no change in landform such as grading, excavation, or filling.
- (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 Project 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 permitted by certified letter.
- (22) Notwithstanding the condition 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 regulation.
- (24) The Project 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 mark the government property line

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in a clear, but unobtrusive manner approved by the Project Manager and in accordance with this Plan.

- (26) If the ownership of a permitted facility is sold or transferred, the permittee or new owner will notify the Project Manager of the action prior to finalization. The new owner must apply for a Shoreline Use Permit within 14 days or must remove the facility and restore the use area within 30 days from the date of ownership transfer. The new owner must provide proof of ownership of the facility upon applying for the permit.
- (27) If permitted facilities are removed for storage or extensive maintenance, the Project Manager may require all portions of the facility to be removed from public property.
- (28) Boats shall not be left dry docked in mooring locations over the winter. It is the responsibility of permit holders to remove boats from their permitted boat docks before water levels become too low to accomplish removal of boats from the lake.
- (29) Personal information pertaining to permit applicants/holders is protected under the Privacy Act of 1974, and the Government does not share this information without an individual's permission. However, the designated Point of Contact (POC) for each dock is responsible for dissemination of information to members within that group that impacts permit renewals and the continued viability of the dock. In order to facilitate that exchange of information, each permit applicant/holder agrees to allow the Government to provide his/her basic information (name, address, and phone number) to the designated POC for his/her dock.
- (30) The main dock section of a slip is a component of the comprehensive dock and is used by other dock members and their guests as access to their individual slips. A slip owner cannot restrict use of the walkway or main dock

section of a slip by other dock members.

(31)Notice shall be deemed to have been duly given if and when enclosed in a properly sealed envelope addressed to the address provided by the permittee and deposited, postage prepaid, in a post office regularly maintained by the United States Postal Service.

13.4 **Permit Revocation.**

13.4.1 The Project Manager may revoke any permit issued and require restoration of the area to the Corps' satisfaction if the permittee has exceeded the authorized scope of the permit or any permit condition.

13.4.2 The Project Manager may revoke any permit when significant environmental degradation has occurred in the area. Environmental degradation may include, but is not limited to, encroachments or trespasses (as referenced in Section 4), presence of invasive species, damage to vegetation, erosion, and impacts to special status species. Environmental degradation may also include the presence of zebra mussels on a dock facility or any vessel moored at the dock, and failure to cooperate with the Corps in efforts to eradicate zebra mussels or any other aquatic invasive species that have infected a permitted dock facility will result in termination of the dock permit.

14. **Use of Electricity (Permit).** Due to the wide fluctuation of pool levels, boat dock members may choose to use stand-alone electrical sources such as solar power, generators, or inverters. These may be authorized by a permit issued by the local project office for operation of boat lifts and/or to provide duplex convenience outlets on a group boat dock at no additional cost. The service shall pose no safety hazard to any individual nor interfere with any aspect of project operations. Proof of compliance with applicable codes and inspections may be required by the Project Manager. Use of drop cords extending from private property is not allowed.

14.1. **Electrical Generating Equipment.** Applicable types of electrical generating equipment include power

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inverters, solar service and generators.

- 14.2 **Solar Power.** Specific design proposals for solar power equipment must be submitted to the project office for consideration.
- 14.3 **Storage of Electrical Generating Equipment.** All electrical generating equipment (i.e., batteries, inverter, boat lift controls, etc.) must be stored in a storage locker on a group boat dock. The size of the storage locker shall be a maximum of five feet long by two feet wide and three feet tall. Lockers must be positioned with the maximum dimension horizontally on the main dock and shall not extend over the water. Wooden lockers shall not be painted but clear preservatives or sealers may be used. Commercially manufactured lockers will be corrosion resistant. No bright colors, stainless steel, or chrome will be allowed. Lockers will be properly vented to allow release of fumes.
- 14.4 **Special Conditions.** The following conditions shall apply to electrical use on government property provided by electrical generating equipment.
- 14.4.1 **Electric Codes.** All electrical service must conform to the National Electric Code, the National Electrical Safety Code and all other applicable state and local codes and regulations.
- 14.4.2 **Inspection of Electrical Equipment.** Inverters, solar power used in conjunction with an inverter and generators do not require inspection as long as this equipment is installed and used in accordance with the manufacturer's recommendation for wet locations.
- 14.4.3 **Ground Fault Interrupters.** All electrical generating equipment authorized under this section must have a properly operating ground fault interrupter (GFI) that is permanently installed by the factory on the piece of equipment. Failure to provide or maintain the GFI in proper working condition may result in revocation of the permit. Permittees are required to turn off the power at the GFI and lock-out access when not in use.

- 14.4.4 Conduit and Boxes. All switch boxes and receptacles shall be water tight and weather resistant. Enclosures and connections designed for wet or submerged locations shall be used.
- 14.4.5 Lighting. In an effort to maintain the aesthetics of the natural resources, requests for security lighting, or any other type of lighting, on government property, or on a permitted or licensed facility under this Plan, will be reviewed on a case-by- case basis.
- 14.4.6 Convenience Outlets. Requests for new convenience outlets may be granted on group docks only in association with permitted electrical generating equipment authorized under this section.

15. Erosion Control Devices (Permit).

- 15.1 **Purpose.** Permits may be issued for erosion control in Limited Development Areas (or in Protected Shoreline Areas if warranted) where wave and wake action is damaging the shoreline. This permit may be issued in conjunction with a site-specific erosion control plan approved by the Project Manager.
- 15.2 **Fee.** Due to the mutual benefit derived from this activity, no fee will be charged for shoreline erosion protection permits.
- 15.3 **Erosion at Permitted Structures.** Where bank erosion is a problem immediately adjacent to permitted/licensed structures or activities (such as docks, dock walkways, paths, stairs, or vegetation alteration areas) the licensee/permittee may be required to place erosion control structures, products, or vegetation to prevent future erosion that may impact continued use of the facility. Failure to comply may result in termination of the permit or license.
- 15.4 **Materials and Limits.** Banks may be stabilized by the placement of riprap, native stone, stone filled baskets (gabions), vegetative cover, (or other

methods, products, or systems approved by the Corps) immediately above and below the summer pool elevation. No massively constructed structures will be allowed (i.e., masonry units, poured concrete or retaining walls built from timbers or stone). The quantity of riprap shall not exceed one cubic yard per running foot of shoreline below summer pool elevation. The stone shall not normally extend more than five feet vertically above or below summer pool elevation. The length of the protection along the shoreline may be up to 200 feet. Quantities and distances exceeding these specifications involve the Section 404 permit process and will be handled independently of this Plan. Vegetation or plantings, such as willow bundles or live stakes may be approved for erosion control.

16. **Group Community Boat Docks (Permit).** All boat docks at Cecil M. Harden Lake are considered Community Boat Docks.

Floating Community docks are collectively owned by the members of the dock. Slips are assigned to eligible members based on the eligibility requirements found within this section. Prior to this plan, permits for these facilities were issued by the Indiana Department of Natural Resources. Upon enactment of this plan, all dock permits issued by the IDNR will become null and void unless specified elsewhere in this plan. USACE Permits for these existing facilities will be issued once members of the community boat docks satisfy the requirements found below. Permits for new Community Docks may also be issued in accordance with the requirements in this section.

16.1 **Organization.** Community boat dock members, each of whom meet the eligibility requirements must form a legal entity to obtain a community boat dock permit. Homeowner's associations would be an example of a legal entity which could apply for a community dock permit. Since the permit is issued to the legal entity, new members (those who purchase the adjoining private property of a former member) must be incorporated into the group and shall assume use of the previous owner's slip. Additionally, any applicant meeting the qualifications for a boat slip shall be incorporated and slips added per paragraph 16.5. The group shall provide a Point of Contact (POC) for the community boat dock permit. This POC will be the primary contact for any correspondence

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related to the permit. Each member of the community dock must have access to the dock from their private property onto public property or from a legal subdivision access which is recorded in the county records and usable by the entire lakefront community. Verbal or written permission to cross private property does not meet the requirements for legal access.

16.1.1 The group must notify the Project Manager of any changes in membership. The association must furnish the Project Manager with a list of the names, addresses, and subdivision lot numbers of all members and provide notification of any changes in membership annually. Moorage at a community dock by individuals who are not members of that community boat dock is prohibited. Individual slips may not be rented, leased, licensed, or sold, nor may any other commercial activity be associated with the operation of the facility.

16.2 **Privacy Act.** Data required by the Privacy Act of 1974. Personal information pertaining to permit applicants/holders is protected under the Privacy Act, and the Government does not share this information without an individual's permission. However, the designated Point of Contact (POC) for each dock is responsible for dissemination of information to members within that group. Such information impacts permit renewals and the continued viability of the dock. In order to facilitate that exchange of information, each community dock member agrees to allow the Government to provide his/her basic contact information (name, address, and phone number) to the designated POC for his/her group dock. It will also be necessary to provide the POC's basic contact information (name, phone number, and address) to each member of the group dock, and the POC must agree to allow the Corps to do so.

16.3 **Eligibility.** Applicants must own property in a developed subdivision which is adjacent to government property that is zoned Limited Development and have legal access to the government property line or own a tract of land which adjoins government property that is zoned Limited Development. Applicants must provide

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proof of ownership, such as by presenting a recorded deed. Applicants must be members of the legal entity who possesses the permit for the community boat dock where membership is being requested.

The purchase or retention of ownership of a nominal lot or acreage will not be recognized as a qualifying property ownership for the purpose of Membership on a community boat dock. An applicant's property must be of a practical size and design for residential use, and the ownership of an exceptionally small, shallow, or narrow property will not qualify an applicant for membership on a community boat dock.

Owners of interior lots must have legal right of access, through a documented public access area or otherwise legally recorded easement. Should a boat slip owner lose right of access he/she will no longer qualify for membership on the community boat dock. Verbal or written permission to cross private property does not meet the requirements for legal access.

Ownership of a vessel is a requirement, and the applicant will be required to provide proof of ownership of vessels to be moored. Only vessels manufactured by a company normally engaged in the manufacture of watercraft may be used to meet the eligibility requirement. Registration must be provided for vessels required to be registered by state law.

A maximum of one boat slip per property unit or household will be authorized at C. M. Harden Lake. Joint ownership of a property, or the ownership of more than one lot by one household, does not authorize more than one slip. Each slip can accommodate one boat or two personal watercraft. Exceptions to this requirement may be granted in conjunction with the acquisition of existing slips as outlined in 16.8.1.

The maximum number of slips allowed at a community boat dock will be determined by site conditions at each location up to a maximum of 12 slips.

16.4 **Permitting of Existing Docks**

16.4.1 Existing community docks must obtain status as

a legal entity and submit documentation related to their incorporation within 6 months of the approval of this plan. These documents must also be submitted at each permit renewal. This is required to identify new owners and acquire information that may have changed in the five-year period.

16.4.2 Community boat docks shall submit all necessary application paperwork within 6 months of the approval of this plan. This includes proof of qualifying land ownership, proof of boat ownership, and proof of access to the boat dock for each member. This includes legal entity incorporation as noted above.

16.4.3 Community boat docks which meet the requirements will be issued a new permit by the US Army Corps of Engineers

16.4.4 Community boat docks which do not meet the requirements for a permit or individual members who do not meet these requirements will be denied permits and provided with guidance concerning their possible paths forward to meet the requirements.

16.5 **Additions to Existing Docks** Existing community boat docks may have slips added to accommodate additional members. Requests for additions will be made by the Representative of the legal entity permitted for the community dock. The request will be reviewed to ensure all requirements and conditions are met. Adjacent property owners or owners of property in a qualifying developed subdivision who do not have an existing dock permit may apply for an addition to a community dock if all applicable requirements in Section 16 are met. If a person seeking membership on a community boat dock meets all requirements and conditions for inclusion on the dock, the legal entity shall include the applicant in their membership. Exclusion of an eligible community dock applicant or member shall be cause for permit revocation. Additions to community boat docks will not be allowed if the addition causes the dock to violate any portion of the community dock

requirements in this section.

16.6 **New Community Docks** Under previous Shoreline Management Plans the total number of Community Boat Docks which could be installed on Cecil M. Hardin Lake was set at 38 docks. The locations of new docks were further restricted to maximum numbers in certain areas of the lake. As of the date this plan is being published there are currently 20 Community Boat Docks installed. **A maximum of 18 additional Community Boat Docks may be permitted** in accordance with the below criteria and all other requirements of this plan. The former policy of limiting the number of docks in particular areas of the lake is no longer applicable.

16.6.1 Locations

- (1) Adjacent to a community access point within a neighborhood. This access point must be a legal, recorded access which is open to the entire neighborhood in which it is located. Only one dock will be permitted at a community access point.
- (2) There may be no other docks or seawalls within 400' of the centerline of a dock which is constructed perpendicular to the shoreline.
- (3) There shall be no other docks or seawalls within 200' of the end of a boat dock which is installed parallel to the shoreline.

16.6.2 Configuration

- (1) Docks which are placed parallel to the shoreline shall not extend more than 100 feet from the shoreline to which it is anchored
- (2) Docks shall not extend more than 1/3 the width of a cove.
- (3) The average square footage per dock member shall not exceed 320^{ft2}.

16.6.3 New community dock applications will be

received when 6 eligible lot owners meet the eligibility requirements and form a legal entity as described above. Dock permits will not be issued to groups of fewer than 6 lot owners. The maximum number of slips on a dock will be determined by the site conditions but shall not exceed 12.

16.7. **Purchase of Existing Slips.** When a community boat dock member sells their qualifying property, membership on the community boat dock is reassigned to the new property owner. The POC for the community dock shall update the Project Manager as property transfers occur. Membership is subject to 16.3, Eligibility. The Project Manager may request documentation from the new property owner to confirm the eligibility requirements are met.

16.7.1 Existing community dock members who purchase or otherwise acquire a second property with an associated boat slip may be permitted for the second slip if all other conditions and requirements are met.

16.8. **Construction and Anchoring** ~~All group~~ community boat docks will be constructed to minimum basic standards as contained below and in the drawings on subsequent pages. A main dock section shall be 6' wide. Fingers on docks shall be no more than 4' wide and 20 feet long. The permittee may use a commercially manufactured dock which is produced by a company normally engaged in manufacture of boat docks or utilize the Corps of Engineers design which is contained in this plan. Exceptions to these standard sizes may be authorized when a commercially manufactured dock is proposed to an entire community boat dock. The permittee may also submit an independent design that has been certified by a registered professional engineer as being equal to or exceeding the Corps of Engineers design. When new slips are installed to existing boat docks, the docks shall be of the same size and height so to provide safe conditions for all dock users. The docks may be privately constructed or of a manufacturer's standard design. Group docks are permitted only at general-locations that have already been designated as-suitable dock sites by the IDNR Property Manager and-

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~~the Corps Park Manager. . Dock locations will be selected to best serve all members and the IDNR-Property~~ The Project Manager has the authority to direct the relocation of a dock to better serve a group within a limited development area or based on impacts to natural resources.

All wood materials shall be commercially pressure treated with a wood preservative. Wood treated for 'ground contact' or for marine environment is recommended to extend the life span of the boat dock.

Composite decking may be used on the finger, main dock, and walkway. However, additional bracing and flotation may be required in accordance with manufacturer's recommendations, and the slip and walkway must be compatible with adjoining slips, without creating a structural or tripping hazard.

Docks shall be constructed to be 100% floating. No portion of the dock shall be fixed to the shoreline or the lakebed, with the exception of the dock anchors.

The flotation material for slips shall be fabricated of materials manufactured for marine use. Flotation materials shall be 100% warranted for a minimum of 8 years against sinking, becoming waterlogged, cracking, peeling, fragmenting or losing beads. All flotation shall resist puncture and penetration and shall not be subject to damage by animals under normal conditions for the area. Flotation material used shall be fire resistant. New or recycled plastic or metal drums, or non-compartmentalized air containers, are prohibited. Existing flotation will be authorized until it has severely deteriorated and is no longer serviceable or capable of supporting the structure, at which time it shall be replaced with approved flotation. For any flotation installed after the effective date of this specification, repair or replacement shall be required when it no longer performs its designated function or fails to meet the specifications for which it was originally warranted. Flotation material shall be placed with the maximum surface area in contact with the water to increase the stability of the dock. Encapsulated foam flotation is permitted for use in accordance with all other requirements.

16.8.1 Community dock facilities installed parallel to the shoreline may extend up to 100 feet

perpendicular from the shoreline but may not exceed one-third (1/3) the width of the cove. The configuration of a community dock shall provide the same moorage capability for each member. Outside slips are not authorized moorage points. Each boat slip allows for the mooring of one boat or two personal watercrafts.

16.8.2 Boat docks shall be anchored to points set in concrete meeting or exceeding the drawings on the following pages. In addition to anchor cables, docks shall be equipped with stand off devices which meet or exceed the drawings on the following pages.

16.8.3 The shoreline behind a community boat dock shall be armored with Class I channel liner in accordance with Section 15 of this plan and the recommendations of the Project Manager based on the site conditions. The width of this erosion control shall be as wide as the longest dimension of the boat dock, up to a maximum of 200'.

16.9 **Grandfathered Facilities.** Some previously permitted boat docks do not comply with the requirements of this plan. These facilities are identified below. Any boat dock with a valid permit prior to the enactment of this plan that is not directly listed but is later found to fall under any of these criteria will be held to the same grandfathering standards.

These facilities will be grandfathered to the current owner and his/her spouse only. They will be allowed to remain until the structure requires major maintenance or until there is a change in ownership of the associated private property. Major maintenance is defined as the replacement of any structural member.

Upon the transfer of ownership of the property, the need of replacement of the permitted/licensed facility or the death of the grantee and his/her spouse, the permit shall become void, and the facility must be removed, and the area restored.

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These structures are as follows:

16.9.1 Single member Boat docks.

- IN DNR Permit S-10

16.9.2 Docks associated with commercial use:

- IN DNR Permit G-01

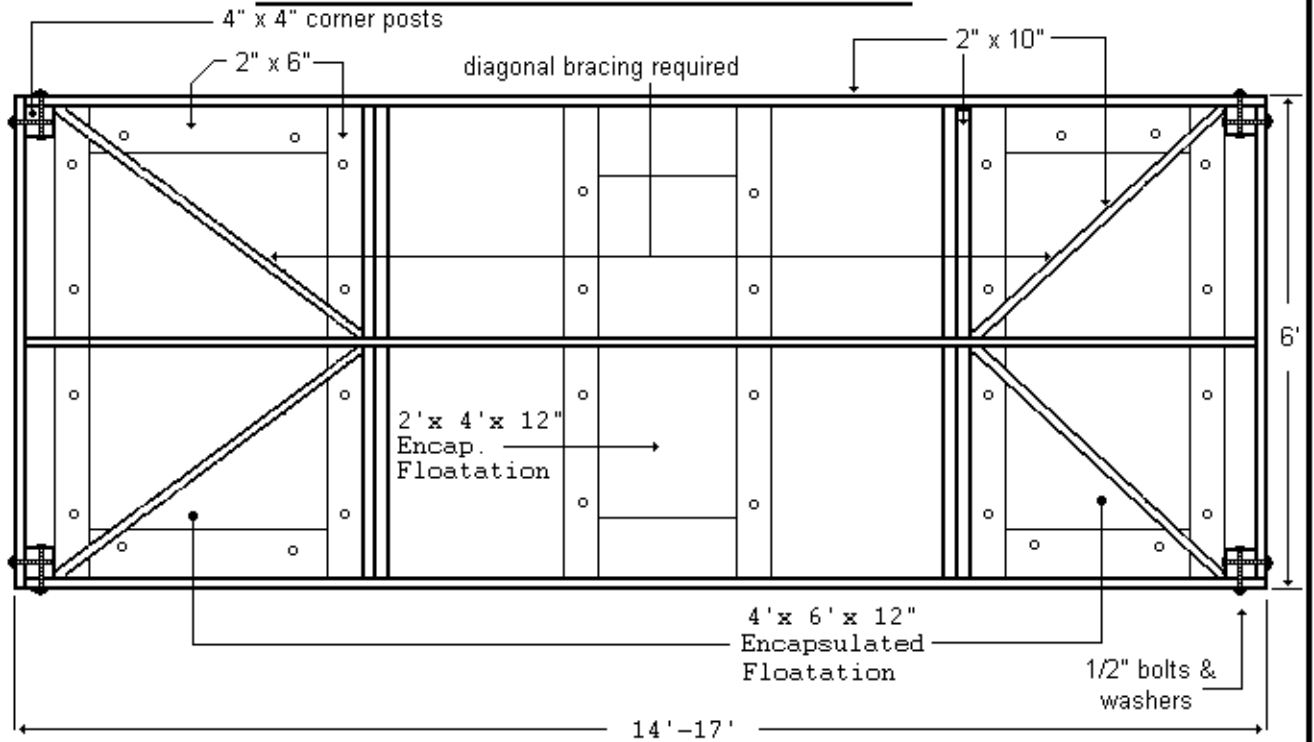
16.9.3 Boat docks permitted to individuals who do not own property (ie. Campgrounds):

- IN DNR Permit G-08
- IN DNR Permit G-19

16.9.4 Roof Structures:

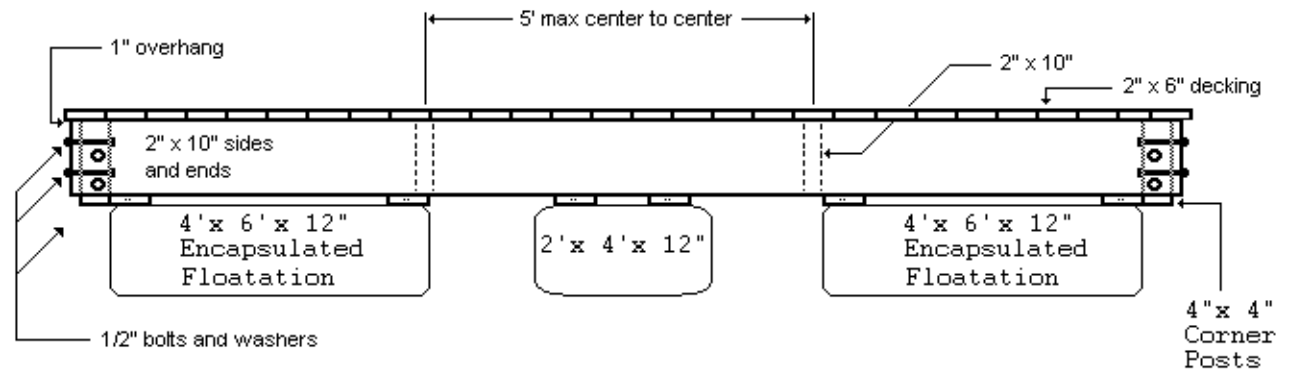
Roof structures on docks will be grandfathered to current owners only. If the structure is damaged, it shall be removed, not replaced.

MAIN DOCK / 6' WIDE FINGER - PLAN VIEW



Note: Main dock plan view shown without decking - not to scale

MAIN DOCK / 6' WIDE FINGER - SIDE VIEW



* For a main dock section measuring 18'-21' a 4'x 6' float will replace the smaller 2'x 4' float in the center.

♦ Proper dock height alignment upon installation is required

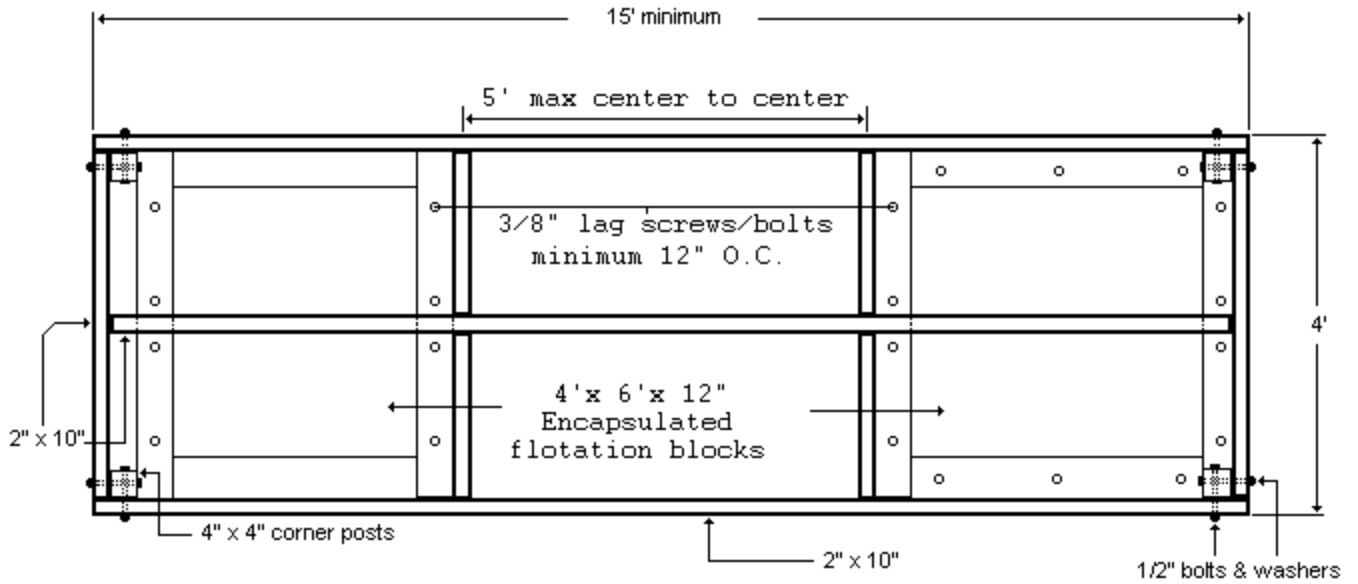
**Floatation to be attached using 3/8" lag screws/bolts at a minimum of 12" o.c.

Minimum Floatation Requirements

Main length	lbs of Buoyancy
14'--17'	2900
18' -- 21'	3500

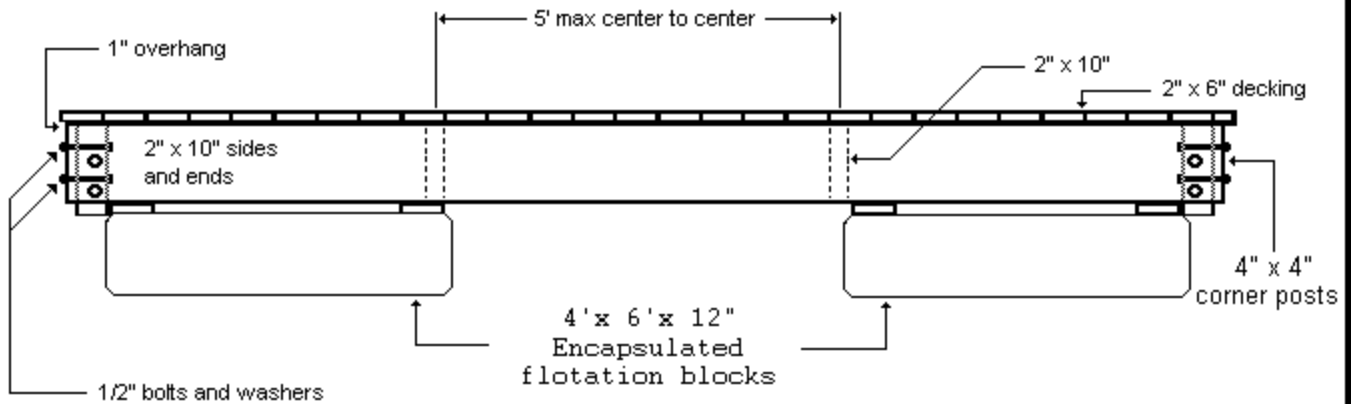
GROUP FLOATING DOCK SPECIFICATIONS
 Boat Dock Main/ 6' wide finger
 U.S. Army Corps of Engineers,
 Louisville District

4' WIDE DOCK FINGER - PLAN VIEW



* Note: Dock finger plan view shown without decking.

4' WIDE DOCK FINGER - SIDE VIEW



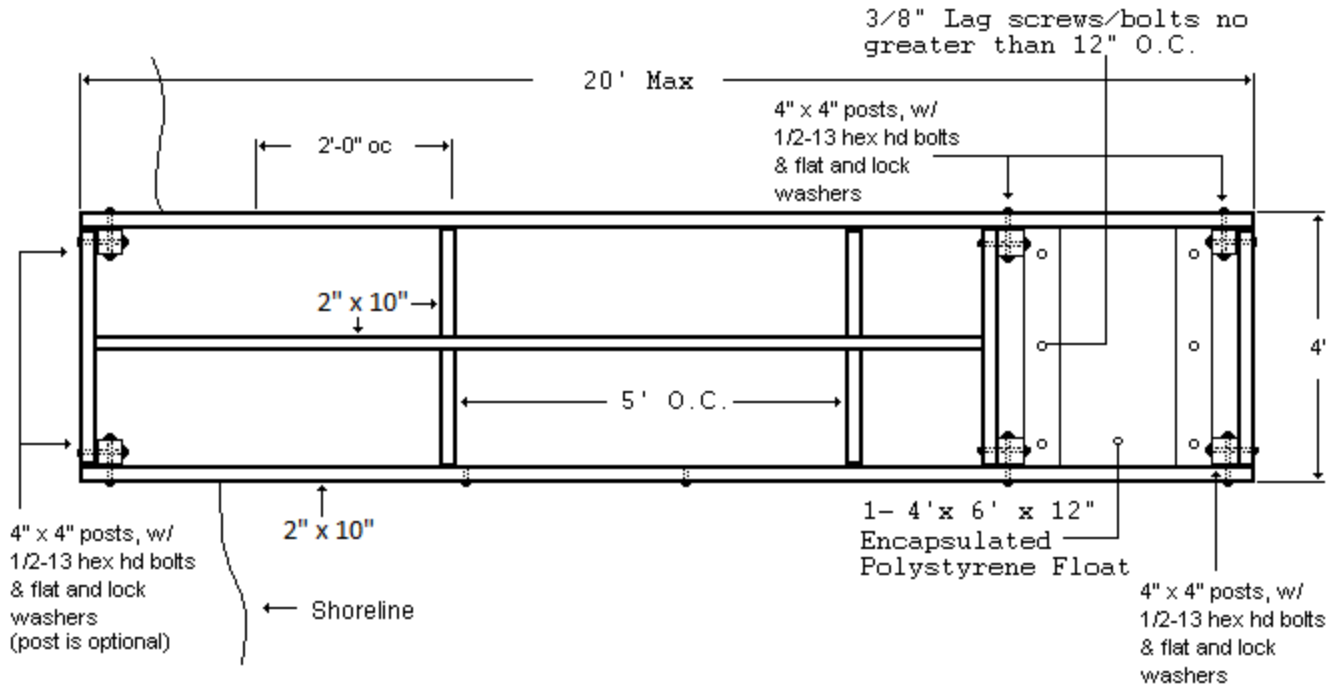
*Minimum Flootation requirement for the finger dock section is 2500 lbs of buoyancy

* Proper dock height alignment upon installation is required

GROUP FLOATING DOCK SPECIFICATIONS

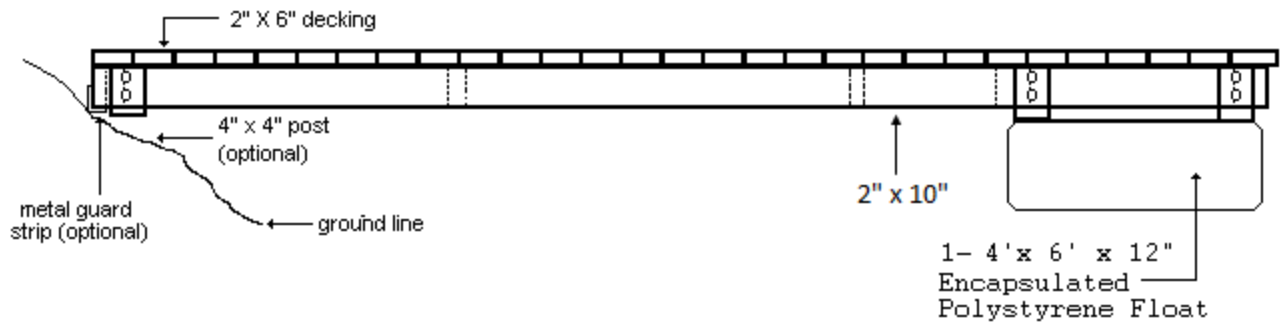
U.S. Army Corps of Engineers,
Louisville District

WALKWAY - PLAN VIEW



Note: Walkway plan view shown without decking.
Mid-walkway flotation is optional, depending on site conditions. If installed, its position may vary, depending on site conditions.

WALKWAY - SIDE VIEW



*Minimum Floatation requirement for the walkway section is 1000 lbs of buoyancy

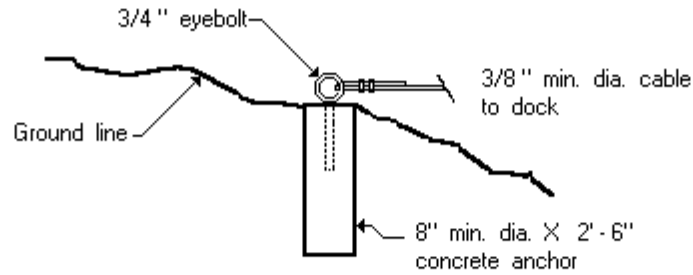
* For walkways less than 15' a 2'x 4'x 12" float may be utilized.

* Proper dock height alignment upon installation is required

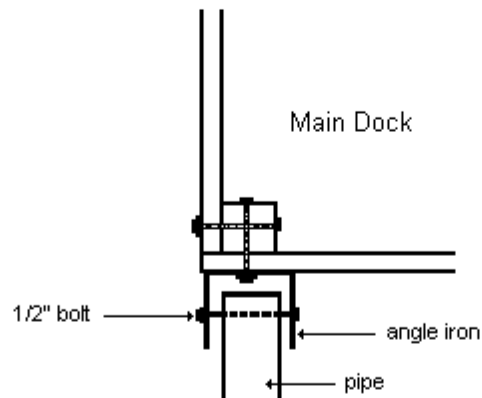
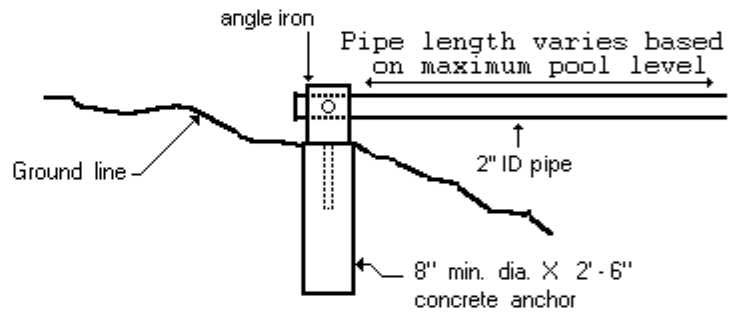
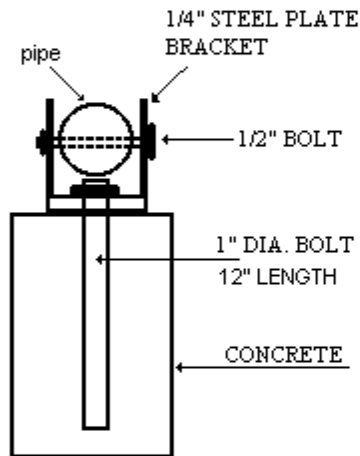
GROUP FLOATING DOCK SPECIFICATIONS

U.S. Army Corps of Engineers,
Louisville District

SHORE ANCHOR DETAIL



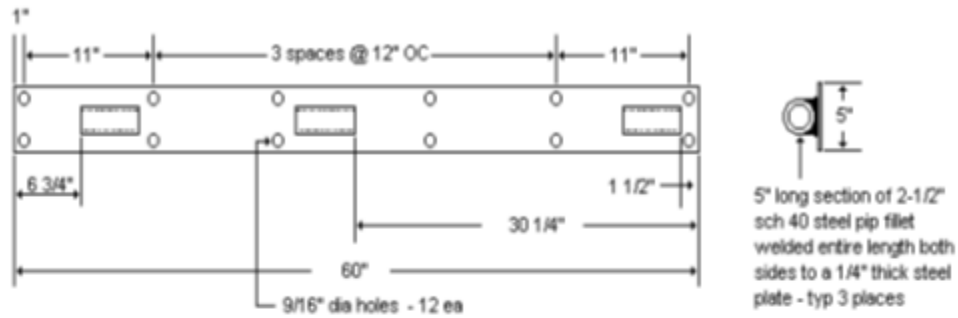
PIPE STANDOFF DETAIL
OPTIONAL



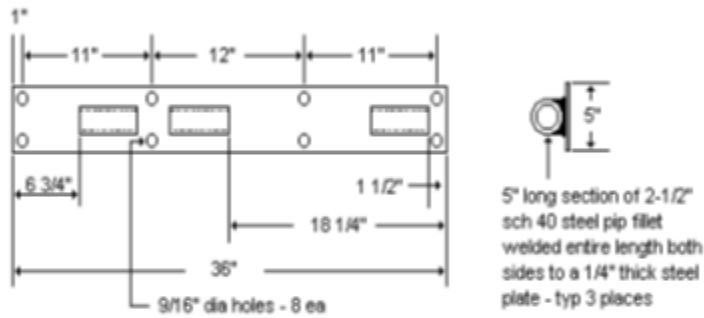
GROUP FLOATING DOCK SPECIFICATIONS

U.S. Army Corps of Engineers,
Louisville District

MAIN DOCK / 6' WIDE FINGER

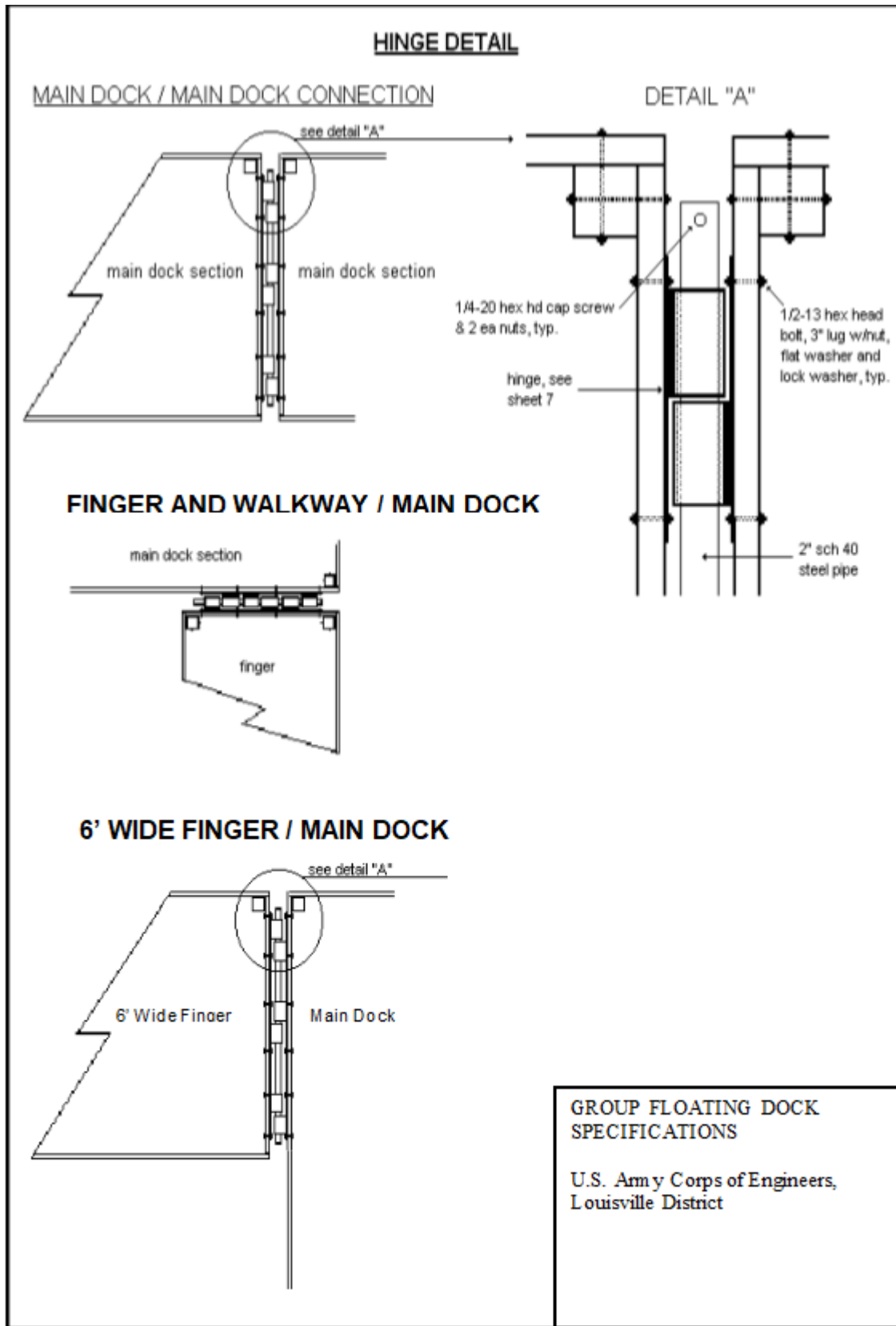


4' WIDE FINGER / WALKWAY



**GROUP FLOATING DOCK
SPECIFICATIONS**

U.S. Army Corps of Engineers,
Louisville District



17. **Bank Ties and Mooring Permits.** Bank ties and mooring permits were formerly issued by the Indiana Department of Natural Resources. IDNR is no longer issuing these permits. Any permits issued by the IDNR which have not expired are still valid until their expiration date. All vessels which are moored for extended periods of time must be moored at a marina, permitted bank tie, a seawall, or community boat dock. All vessels not moored at a designated facility will be in violation of Title 36 section 327.3 (h) and may be issued a citation. Lake residents who meet the requirements should apply for a license to construct a seawall or seek membership in a community boat dock. Seawalls in combination with erosion control installation provide a more sustainable form of access to the shoreline for eligible residents. Due to mooring permits no longer being issued, no additional permit is needed to moor a vessel to a seawall or floating boat dock.
18. **Vegetation Alteration and Unimproved Paths (permit).**
- 18.1. **Purpose.** A Vegetation Alternation (VA) permit must be obtained for vegetation alteration in Limited Development Areas to authorize mowing and removing underbrush, removing selected trees, trimming, pruning, burning, or removing driftwood. Permits for unimproved paths may be issued in Limited Development Areas and Protected Shoreline Areas. These permits are issued for the purpose of facilitating access to the shoreline and will not be allowed for the purposes of providing a view of the lake or a floating dock/seawall, developing a lawn type appearance, or portraying the appearance of an extension of private ownership onto government property. Permits will not be issued in areas where, in the opinion of the Project Manager, significant adverse environmental impact has occurred, or may potentially occur.
- 18.2. **Permit Terms.** Although permits for vegetation alteration and unimproved paths will normally be for five years, the permit may be combined with another permit to achieve a common expiration date or may be issued for a shorter term for administrative purposes. The expiration date of the permit will be a whole year multiple from the anniversary date of the

initial issue.

18.3. **Eligibility.** VA permits will only be issued to individuals owning property adjacent to government property designated as Limited Development Area, or for the purpose of facilitating access at a documented public access area. A subdivision developer, an officer of a subdivision association or organization, an adjacent lot owner, an interior lot owner, or the point of contact for a community boat dock may obtain a VA permit or an unimproved path permit, depending on the shoreline zoning, at that designated public access area. Only one VA or unimproved path permit will be allowed adjacent to each public access area and/or associated community boat dock.

18.4. **Size and Configuration.**

18.4.1 **Vegetation Alteration.** The dimensions of the permit area shall be as follows: a maximum of 50 feet long as measured along the shoreline, 20 feet in depth maximum from the shoreline. If no erosion control measures are in place the 20' measurement shall start a minimum of 20' from the water's edge at summer pool. A 10 feet wide maximum strip from this area to the government boundary line shall provide pedestrian access to the Vegetation Alteration area (approved dimensions can be found on the individual VA permit). The 10 feet wide strip should meander to prevent rapid runoff and accelerated erosion and is subject to a maximum length of 500'. Extensions in length may be considered on a case by case basis, provided there is a minimal change to the limits to allow reasonable access to an authorized dock/seawall and no other provisions or requirements of this Plan are violated. A typical configuration for a Vegetation Alteration permit is provided in this section.

18.4.2 **Unimproved Paths.** Mowed paths are limited to a maximum length of 500 feet, or to the nearest dock/seawall location, whichever distance is shorter. Extensions in length may be considered on a case by case basis, provided

there is a minimal change to the limits to allow reasonable access to an authorized dock/seawall and no other provisions or requirements of this Plan are violated. The width of the path will be a maximum of 4 feet and configured to control rapid runoff of surface water and erosion. A typical configuration for an Unimproved Path permit is provided in this section.

18.5. **Grandfathered Permits for VA and Unimproved Paths.**

Permits that were in effect as of the date of this plan will be grandfathered as to *size and configuration only* for the lifetime of the permit holder or his/her spouse. No increase in the area is allowed if the present permit exceeds new guidelines. All other conditions of this Plan apply to the permit area and any violation of those conditions may result in termination of the grandfathered permit. Upon the sale or transfer of the adjacent property, the permit shall be null and void. The new owner may apply for a permit, if eligible, in accordance with current guidelines.

18.6. **Scope.**

18.6.1 **Tree Removal.** Prior to the removal of any vegetation, the permittee shall meet with a USACE Park Ranger who will outline the limits of the permit area and designate certain trees or stems that must be left in the permit area. The permittee will leave a minimum of one tree for each ten feet square (100 square feet). Clear cutting will not be allowed. Trees larger than 3" diameter at ground level will not be removed. Trees larger than 3" in diameter at ground level will not be cut. The Project Manager can authorize the removal of damaged trees, downed trees, or selected standing trees if he or she determines that such conditions constitute a bona fide safety hazard. These activities will be considered on a case-by-case basis and may be coordinated with the U.S. Fish and Wildlife Service to ensure compliance with the Endangered Species Act.

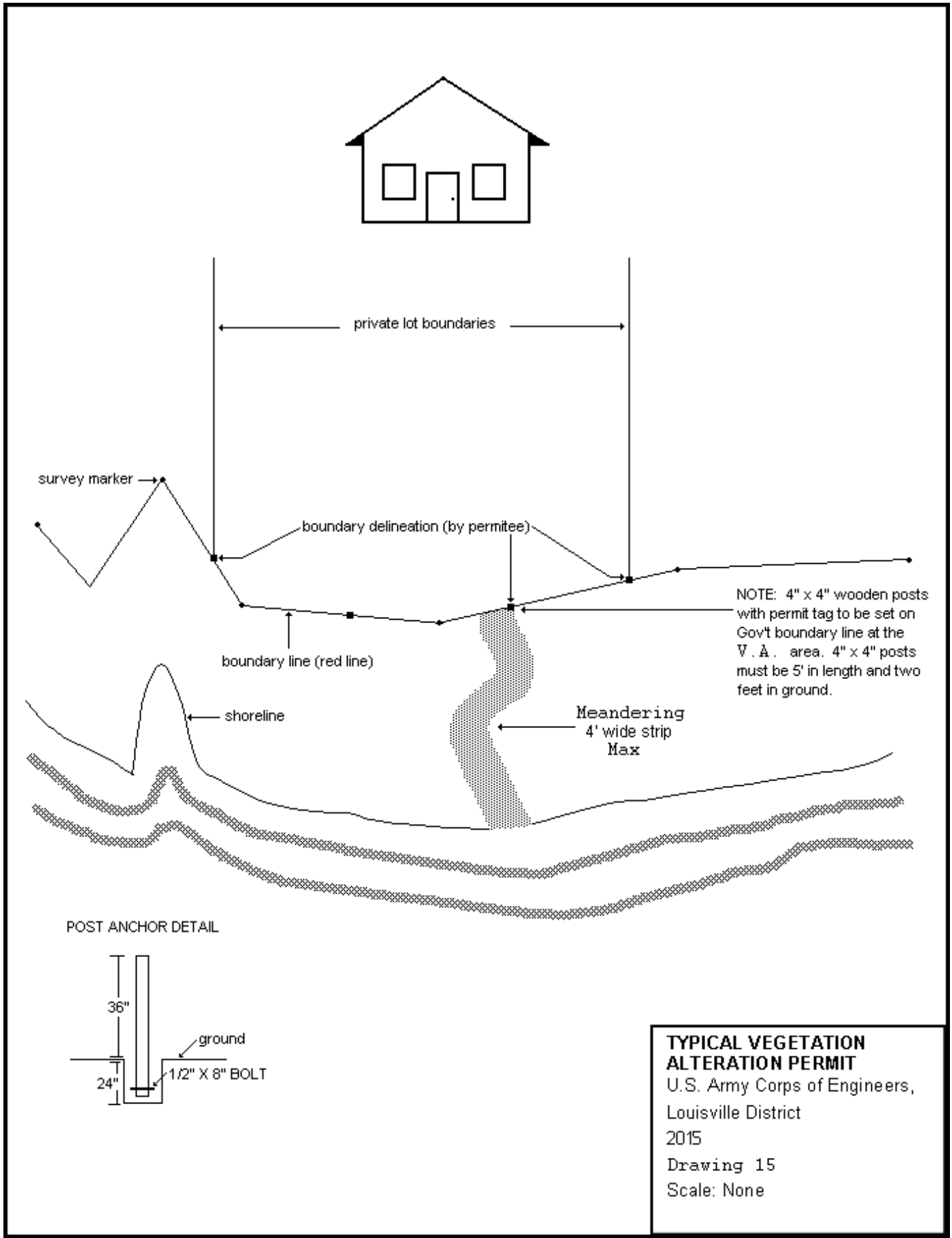
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- 18.6.2 **Mowing.** Vegetation within the permit area may be controlled by mowing with small riding mowers, push mowers or weed cutters using string cutting heads. Agricultural or industrial tractors or mowers shall not be used. Permittee shall exercise care to protect the vegetation designated to remain. Grass may not be cut less than 3" above ground.
- 18.6.3 **Pruning and Trimming.** Trees within the permit area that are larger than 3" inches in diameter at ground level may be trimmed or pruned to a height of 7 feet above the ground or one-half the total tree height, whichever is less.
- 18.6.4 **Removing underbrush.** Permittee may selectively remove certain undesirable vegetation within the permit area (such as poison ivy, poison oak, poison sumac, vines, briars, and thistles) in lieu of mowing.
- 18.6.5 **Removing driftwood.** Driftwood, downed timber, and other floating debris within the permit area can be removed by the authority of the VA or unimproved path permit. Disposal shall be off site or by burning as outlined in Section 18.6.7 below.
- 18.6.6 **Herbicides.** Herbicides *will not* be used on government property.
- 18.6.7 **Burning.** All driftwood, untreated wooden debris, treetops, etc., may be burned unless prohibited by State or local laws and regulations. All burning shall be confined to the area on the lake bottom between minimum pool (winter pool) and seasonal pool (summer pool). All activities shall comply with burning and clean air codes, laws, rules and regulations, and permit conditions. An individual must obtain a burning permit prior to any burning on project lands.
- 18.7. **Re-vegetation of Degraded Areas.** The Project Manager may require the planting of trees within vegetation permit areas where the required tree density has not

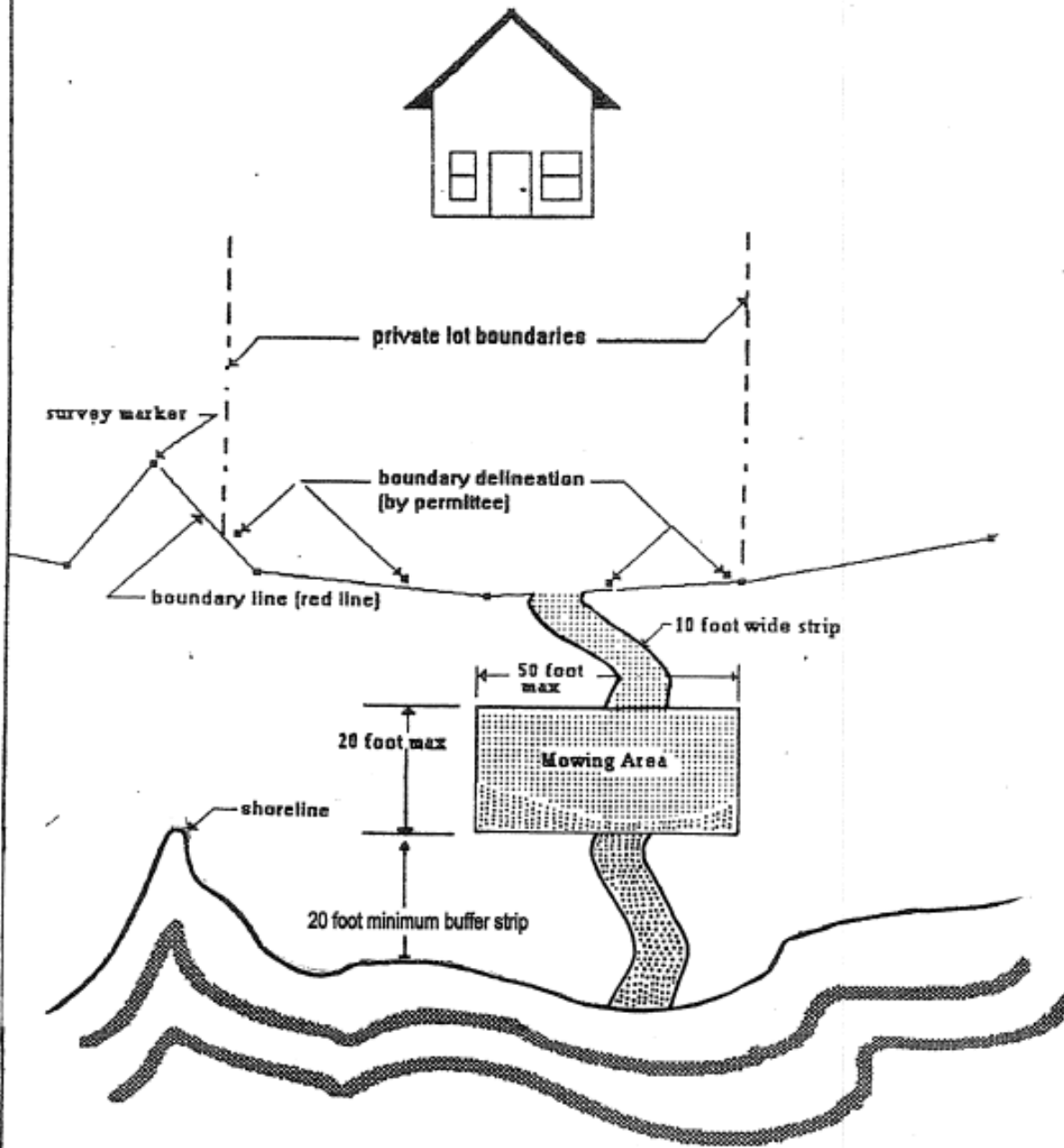
been met or in a vegetation permit area where erosion is occurring. This may also be accomplished through the reduction in mowing within the permit area to allow vegetation to establish naturally.

Individuals are encouraged to assist in management of the shoreline through the planting of trees. Trees which are planted must be native, flood tolerant species. Individuals who wish to plant trees should work with a Park Ranger to develop a re-vegetation plan.

- 18.8. **Marking Boundary Line.** Each vegetation alteration permit or unimproved path permit holder shall mark the boundary between government lands and private property with wooden posts. Posts shall be set at the intersection of the lot boundary line with the government property line (red line) and at the midpoint between these posts. Should a government monument exist at a point where a post is required, the post may be omitted. The permittee shall not move or otherwise disturb any monument or survey marker. Posts shall be five foot long and four inches by four inches and shall be set to a depth of two feet into the ground. The permit tag provided by the Corps of Engineers shall be attached to a post as directed by the Project Manager. Posts shall be installed at no cost to the Government prior to commencing any work authorized under a vegetation alteration permit or an unimproved path permit. The permittee may submit an alternate method of marking the boundary line to the Project Manager for approval, although the alternate method shall not impede inspection and surveillance of the boundary by USACE Park Rangers.



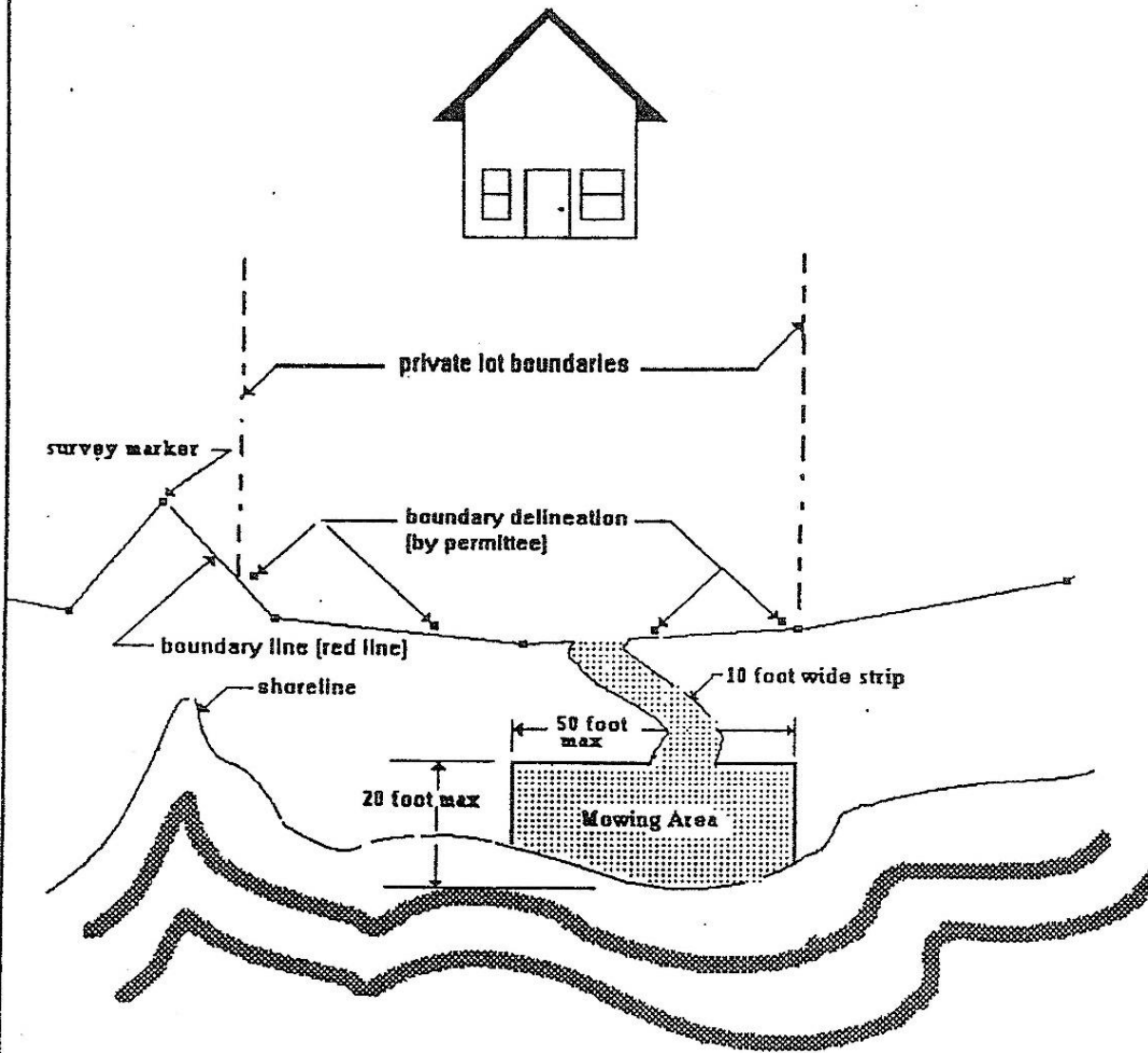
Typical Vegetation Alteration Permit



**CECIL M. HARDEN
SHORELINE MANAGEMENT
PLAN**

EXAMPLE OF TYPICAL
MOWING LIMITS IN
AREAS NOT PROTECTED
FROM EROSION

Typical Vegetation Alteration Permit



CECIL M. HARDEN
SHORELINE MANAGEMENT
PLAN

EXAMPLE OF TYPICAL
MOWING LIMITS IN
AREAS PROTECTED
FROM EROSION

19. **Specified Act Permits.**

- 19.1. **Purpose.** The Project Manager may issue a one-time permit to accomplish certain activities on government property if the activity is necessary and will not cause any significant, adverse impact. Examples of this type of permit are removing and/or burning a hazardous tree(s), driftwood, dead and down trees, recovering a vehicle that inadvertently entered a protected area and cannot be removed without additional equipment, authorized planting of vegetative material on government land, etc.
- 19.2. **Habitat Mitigation.** The Project Manager may issue specified act permits for removing snags and stumps, not to exceed ten feet below summer pool to install a dock, or a permit not to exceed five feet below summer pool to open boat lanes to a dock. To mitigate the loss of habitat, the permittee may be required to construct fish attractors before removing the vegetation. The location and construction method must be approved. Permits for removing snags and stumps to open boat lanes may be issued to persons owning property on a tract of land/subdivision adjacent to government property
- 19.3. **Habitat Enhancement and Restoration.** Habitat enhancement and restoration may be allowed on government property under a vegetation alteration permit. Adjacent landowners may plant certain native vegetation on government property with prior approval. Additional information on acceptable native species and techniques may be found at the project office. Invasive or nuisance species may be removed with prior approval, or with issuance of a specified acts permit.
- 19.4. **Burning** Specified Act Permits to burn may be issued to individuals who do not possess a vegetation alteration permit. All driftwood, untreated wooden debris, treetops, etc., may be burned unless prohibited by State or local laws and regulations. All burning shall be confined to the area on the lake bottom between minimum pool (winter pool) and seasonal pool (summer pool). All activities shall comply with burning and clean air codes, laws, rules and regulations, and permit conditions.

19.5. **Application.** A letter detailing the nature and purpose of the request should be submitted to the Project Manager. Each request will be reviewed separately and only those activities specified in the permit will be allowed in accordance with the conditions specified in the Permit.

19.6. **Term.** Specified Acts Permits have a specific time frame in which to perform the authorized activity. If the permittee does not complete those activities within the specified time frame, he/she must cease operations or obtain a new permit. Renewal of the permit will not be automatic but will be at the discretion of the Project Manager.

19.7. **Fee.** There is no fee for this permit, however the permittee may be assessed the cost of any damages resulting from the permitted activity, or any costs incurred by the Corps of Engineers in conjunction with the permit. These permits are non-transferable.

20. **Section 404 and Section 10 Permits.** Certain activities are regulated under the authority of Section 404 of the Water Pollution Control Act, Section 10, Rivers and Harbors Act of 1899 (33 USC403) or subject to the Endangered Species Act, the National Environmental Policy Act and the Fish and Wildlife Coordination Act. These activities can include dredging, the placement of riprap or fill material, construction of discharge lines, intake structures, seawalls and other fixed structures, and the discharge of dredged materials. Requests for these activities are reviewed by the Regulatory Division and should be coordinated through the Project Manager.

~~21. **Duck Blinds.** Waterfowl hunting may be permitted in designated areas of land leased to the State of Indiana, after the successful applicant has obtained a one day hunting permit. Blinds are not allowed in areas managed by the Corps of Engineers. The permittee shall not cut vegetation or otherwise alter government property to construct the blind. Floating blinds may be allowed, subject to State of Indiana hunting regulations. All federal and State laws, rules and regulations are in force in the hunting, taking or trapping of all fish and game species. No fee will be charged for duck blind permits.~~

22. **Fish and Wildlife.** The government-owned lands, with the exception of operations and recreation areas are managed by the IDNR for management of fish and game. Public hunting is permitted on these lands in accordance with regulations and maps posted by the IDNR. Issuing a permit or license to an individual does not preclude use of the land or waters involved by the public for hunting and fishing activities. Resource alteration by permit or license holders which impacts fish and/or wildlife habitat, may require mitigation by the permit/license holder.