CENTRAL
Nebraska Public Power and Irrigation District

PERMITTING PROCEDURES
FOR
CONSTRUCTION AND
SHORELINE AND WATER ACCESS FACILITIES
FOR
TENANTS, SUBTENANTS AND
ADJACENT LANDOWNERS

These Permitting Procedures serve as Appendix I of
Central's Land and Shoreline Management Plan
Required under Article 421 of the
Federal Energy Regulatory Commission
License for FERC Project No. 1417

Approved May 6, 2019
by Central's Board of Directors
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The Central Nebraska Public Power and Irrigation District
FERC Project No. 1417

PERMITTING PROCEDURES FOR CONSTRUCTION AND SHORELINE AND WATER ACCESS FACILITIES FOR TENANTS, SUBTENANTS, AND ADJACENT LANDOWNERS

1. GENERAL

1.1. Purpose. The purpose of these *Permitting Procedures for Construction and Shoreline and Water Access Facilities for Tenants, Subtenants, and Adjacent Landowners* (Permitting Procedures) are to establish the process to permit non-Project, non-public uses of lands and waters governed by The Central Nebraska Public Power and Irrigation District's (Central) Federal Energy Regulatory Commission (FERC) License, specifically, the construction of certain permanent or temporary facilities and shoreline and water access facilities on Project lands or in Project waters by residential tenants, subtenants, and owners of land adjacent to Project lands or Project waters (adjacent landowners).

1.2. Authority. Central is the owner and licensee of FERC Hydroelectric Project No. 1417 (Project). Central's FERC License grants to Central the authority to permit certain non-Project, non-public uses of Project lands and waters without prior FERC approval, provided the proposed use is consistent with protecting and enhancing the scenic, cultural, recreational and other environmental values of the Project. The FERC License requires a Land and Shoreline Management Plan (LSMP) to administer that authority, and provides authority for Central to establish a program for issuing permits for specified types of use and occupancy of Project lands and waters. The LSMP provides for, and makes all proposals for new or replacement structures and facilities within the Project boundary subject to, these Permitting Procedures.

1.3. Applicability of these Permitting Procedures. These Permitting Procedures are instituted to establish a system of permits to construct new or replacement structures and facilities within the Project boundary, and permits for water access across Project lands and other lands where the District may impose restrictions. To be eligible to apply for the use of Project lands and waters under these Permitting Procedures, an applicant must be a tenant or subtenant of Project land leased for residential or recreational purposes, or a person that owns land adjacent to Project land. To the extent that leases or other contractual agreements impose additional conditions on the use of Project lands or waters, such conditions shall also apply.

1.3.2. Construction and access for utilities, commercial, or public-use facilities, lake and area associations, etc. are permitted in conformance with Central's FERC License, the LSMP, and all other applicable rules and regulations, but are not subject to these Permitting Procedures.

1.4. Modification. As the need arises and without prior notice, Central may modify these Permitting Procedures, provided the modifications are consistent with Central's FERC License and LSMP.

1.5. Interpretation. Questions in the interpretation of these Permitting Procedures will be resolved by Central. As it is impossible to anticipate every conceivable situation, in cases that may arise that are not specifically covered by these Permitting Procedures, Central will make special rulings consistent with the policies reflected in the FERC License, LSMP, and FERC requirements or guidance.

1.6. Items Specific to Adjacent Landowners.

1.6.1. Permits for SWAF shall be considered for those adjacent landowners from whom Central has obtained, or will obtain, rights on the property of the adjacent landowner determined to be necessary by Central, e.g. flowage, flooding, erosion, setback restrictions, access for Central representatives, etc.

1.6.2. Central may require the adjacent landowner to permanently covenant and agree that no future buildings or accessory structures shall be placed or constructed within certain horizontal setback distances and vertical limits relative to the nearby lake and shoreline. Such setback distances are established by shoreline classifications found in the LSMP.

1.6.3. Central may condition a permit for a facility based on the adjacent landowner meeting specific shoreline stabilization, resource protection or enhancement, or visual buffer requirements.

2. OBLIGATIONS TO OBTAIN A PERMIT

2.1. Items, Practices, Activities, and Uses Requiring a Permit. The following construction, replacement, alteration, or the major repair of items, practices, activities, or uses on Project lands and waters are subject to the processes and parameters described in these Permitting Procedures:

2.1.1. The construction or placement of structures or facilities on Project lands or waters intended to provide access to the shoreline or use of Project waters, which are intended to serve one or more residential type dwellings.

2.1.2. The construction, or placement of structures or facilities on Project lands intended to serve as a residential type dwelling, or other improvements related to the use or occupancy of a residential dwelling located within Central's leased residential areas.

2.1.3. The placement of structures or facilities on Project lands or along Project shorelines for the purpose of preventing erosion.

2.1.4. Activities including the planting, trimming or removal of trees in existing, landscaped residential lots and/or the modification or removal of vegetation from undeveloped Project lands.

2.1.5. Dredging, filling and excavation activities occurring in Project waters.

2.1.6. Excavating and filling activities occurring on upland sites.

2.1.7. The placement of artificial fish attraction structures in Project waters.

2.2. Applicant Responsibility to Determine Suitability. It is the responsibility of the applicant, and not Central, to determine the suitability of the design for individual projects. The review and permitting process is not designed to take the place of an engineered design and analysis, and any examples Central may provide are for illustration purposes only and are not intended to take the place of a site specific design.

2.3. Items, Practices, Activities, and Uses <u>NOT</u> Requiring a Permit. No permit is required for the following activities on leased or subleased Project lands, provided that leases or other contractual agreements do not impose additional conditions on the use of Project lands or waters:

2.3.1. Exterior building maintenance or modifications that does not:

- Increase the overall square footage
- Change the horizontal footprint
- Increase the height
- Alter the vertical profile of a structure, e.g. replacement of shingles, siding, gutters, windows, or doors, etc.

2.3.2. Interior building work or remodeling that:

- Does not change the original use of a structure, e.g. does not convert a garage, porch, or boat house into living space.
- Does not increase the number of bedrooms in a structure that is served by an on-site wastewater system.

2.3.3. The seasonal removal from and re-installation of previously permitted boat docks and watercraft lifts where the permitted facility is designed and constructed with the intent that it would be seasonally installed and removed from Project waters, and provided that the facility continues to meet the original, or amended, permitted construction and location specifications. i.e. located within the SWAF placement zone and new features are not added (refer to section 5.2.1).

2.3.4. The continued maintenance of lands previously established as landscaped.

2.3.5. Minor landscaping, within a tenant's or subtenant's leased residential lot boundaries, including, but not limited to, lawn and mow edging (less than eight inches (8") in height above ground level and twelve inches (12") in width), and new construction, replacement, or planting of landscape features or vegetation that at maturity are less than eighteen inches (18") above the ground level.

2.3.5.1 This does not apply to trespasses and encroachments onto lands owned by Central. Any unauthorized use of Central's property without a conveyance is considered an encroachment.

2.3.6. The removal or trimming of trees within a tenant's or subtenant's leased lot boundaries between August 16 and March 31.

2.3.6.1 Trees that are an immediate hazard to life or property may be cut without a permit regardless of date or location. Photo documentation demonstrating the level of a clear and present hazard must be provided to Central within thirty (30) days of the removal activity.

2.3.7. The temporary storage of motor fuels within thirty feet (30') of the shoreline, provided such storage does not exceed fifteen (15) gallons per individual container or a combined total capacity of fifty (50) gallons, and is properly stored in EPA, OSHA, or DOT approved containers. When not in use, motor fuels must be secured in such a manner as to prevent spills.

2.3.8. The placement of bird feeders which do not cause an undue visual obstruction within the protected viewshed of adjacent lots.

2.3.9. The installation of sprinkler systems and water hydrants within a tenant's or subtenant's leased lot boundaries, except where restricted by leases or other contractual agreements which impose additional restrictions on the use of Project lands, such as Jeffrey Lake and Midway Lakes and certain agreements with adjacent landowners.

2.3.10. Solar panels placed on roofs provided they are installed, operated and maintained in accordance with the requirements of applicable national, state, and local codes.

2.3.11. The placement of mailboxes, provided they do not create an undue visual obstruction.

2.3.12. Temporary Sand Fences. Sand fences, measuring no greater than forty-eight inches (48”) in height, which are installed and removed on a temporary basis, so long as such fences are placed and removed within a period of dates corresponding to reservoir drawdowns.

2.3.13. In “A” management classifications, the installation of artificial turf that allows for water permeation within a tenant’s or subtenant’s leased lot boundaries.

2.3.14. The placement of flagpoles on permitted water-based SWAF, provided they do not create an undue visual obstruction as determined by Central.

2.4. Nonconforming Facilities. Nonconforming facilities are non-Project, non-public facilities structures, or uses of any kind located upon Project lands or in Project waters without the written permission of Central prior or those structures constructed to March 7, 2005, which do not conform to the most current version of Permitting Procedures. Central may “grandfather,” or allow, certain prior-existing uses that have not received appropriate prior permission and/or that do not meet current use requirements to continue, providing that the affected area, use or structure was lawfully in place prior to any regulation implementation, change, or prohibition. Grandfathering is a discretionary function of Central’s under the LSMP and does not create, and is not intended to create, an opportunity to automatically allow or continue prior unpermitted uses. For further information on grandfathering, refer to LSMP section 3.6.

2.4.1. Nonconforming facilities may be grandfathered and allowed to remain as is, provided Central finds that the nonconforming facility:

- Does not threaten the scenic, recreational, environmental, cultural and operational values of the Project
- Does not violate local, state, or federal laws, regulations, or codes
- Is not constructed in violation of the terms of existing contracts or agreements governing the nonconforming facility or the lot on which it is placed
- Is not constructed in violation of the terms of the Project License, LSMP, or the Permitting Procedures applicable at the time of construction

2.4.2. If Central determines that a non-conforming facility will not be grandfathered as it currently exists, Central may require the use proponent remove the facility or apply for a permit and bring the item or use into conformity with Central’s most current requirements for that particular type of item or use.

2.5. Applicant Responsibility to Obtain Permits. When in doubt as to whether a permit is required or not required, a customer should contact Central for guidance. The responsibility to obtain the necessary permit(s) is held by the tenants, subtenants and adjacent landowners who desire to utilize Central’s property. Failure to obtain necessary permit(s) is a violation of these Permitting Procedures and constitutes grounds for corrective actions.

2.6. Violations. Failure to obtain a permit for an activity requiring a permit or performing work outside of conformance with an issued permit may result in Central directing that any and all work stop and that the responsible party apply for and be issued the proper permit(s), provided the activity is one that is allowed.

2.6.1. Upon discovery of a violation, Central will take actions based on the extent of the violation, and make an effort to mitigate the impact of the violation by applying an appropriate level of correction as determined by Central's board of directors, management, and/or staff.

2.7. Corrective Actions. Consequences for violations may include one or more of the following corrective actions, in addition to any other rights or remedies provided by law:

- Construction delays
- After-the-Fact Fees and/or penalties
- Loss of applicable fees and security deposits
- Modification or removal of the structure(s) or work at the responsible person's expense
- Suspension or termination of approved permits
- Restoration of disturbed areas at the responsible person's expense
- Requirements for security deposits or greater restrictions on future permits
- Loss of future consideration for permits, leases, easements, etc.
- Termination of leases, easements, licenses, etc.
- Litigation or other legal action(s) as deemed appropriate

3. PERMITTING PROCESS. Prior to the start of any construction project, facility placement, or change in use, a tenant, subtenant or adjacent landowner is required to apply for and receive Central's written permission for the project pursuant to the Permitting Procedures. An applicant initiates the process by contacting Central by telephone, mail, email, website, or in person. Central will make a preliminary determination as to whether the proposed type of activity or use requires permitting, and whether it may be permitted at the proposed location. The applicant must complete and submit all application forms and required materials to Central for review, along with any applicable permitting and/or administrative fees. The schedule of fees is included in Appendix C.

3.1. Permit Application Review. Central will review the application materials for the following:

3.1.1. Completeness of the Application. The application is properly filled out and contains all necessary information and payment for any applicable fees, etc.

3.1.2. The proposed project would fully comply with Central's FERC License, LSMP, Cultural Resources Management Plan (CRMP), and any other FERC or resource agency requirements.

3.1.2.1. To the extent that FERC regulations or orders, Central's FERC License, LSMP, or CRMP may impose additional requirements or restrictions differing or in addition to those described in these Permitting Procedures, such requirements or restrictions shall also apply.

3.1.2.2. Indication that the applied for use would not interfere or conflict with Central's operations, or negatively impact the project's cultural resources, or be contrary to environmental, recreational and public access considerations, create a negative scenic and visual impact, or any other relevant considerations as determined by Central.

3.1.2.3. Additional consultations from other parties may be necessary, including, but not limited to: consultations with the State Historic Preservation Office (SHPO), the United States Fish and Wildlife Service (FWS), the Nebraska Game and Parks Commission (NGPC), the Nebraska Department of water, Energy, and Environment (DWEE), the Nebraska Department of Health and Human Services (HHS), the United States Army Corps of Engineers (USACE), counties, stakeholder groups, area associations, etc.

3.1.2.4. If so directed, or as determined by Central, additional resource related requirements may apply. Examples are included in Appendix D.

3.1.2.5. It is the responsibility of the applicant to secure all necessary non-Central permits or approvals.

3.1.3. The proposed project would fully comply with local, state, or federal laws, rules, codes, and regulations.

3.1.4. Protection of Central's Operational Interests. The proposed project would not interfere or conflict with Central's authorized operations.

3.1.5. The proposed project would fully comply with any additional or more restrictive conditions on the use of Project lands and waters imposed by leases or other contractual agreements.

3.1.6. The proposed project would fully comply with all stipulations contained in these Permitting Procedures.

3.1.7. Central may impose additional requirements that may be deemed appropriate at its sole discretion.

Note: Central shall notify the applicant if an application is incomplete or additional information is required in order for Central to make a final determination.

3.2. Permit Approval or Denial. Once all completed forms and necessary information are received by Central and have undergone Central's internal review, the permit application will be either approved or denied.

3.2.1. Upon approval, a Permit Notice of Approval will be issued by Central, describing the extent of the project permitted and may include additional conditions or requirements as may be determined by Central.

3.2.1.1. Permit Amendments. If after permit issuance, circumstances arise where a change is either required due to external factors or is desired as a matter of preference by the applicant, prior approval from Central must be requested and if approved by Central, an amendment documenting the changes will be issued in writing.

3.2.2. If a permit application is denied, Central will provide a written response to the applicant providing a reason for the denial. Central, at its discretion, may contact the applicant informally and offer the applicant an opportunity to modify the application to bring the project into conformity with these Permitting Procedures.

3.3. Variances. In the event that a proposed use does not conform to the information found in these Permitting Procedures or other applicable regulations, or that an application for permit is denied, a variance process is available as described in the LSMP for individual projects to be reviewed by Central. Written applications for the approval of the variances shall be filed in a manner prescribed by Central. Central may require an additional fee to be paid upon the filing of each application for variance. Central will not grant a variance for any use which conflicts with special conditions relating to resource protection without consultation with pertinent resource agencies. Applicants may be required to personally conduct, contract with, or compensate Central for these consultations.

3.4. Pre-Construction Requirements. A pre-construction meeting may be required involving the applicant, the contractor performing the work, Central, and any other pertinent parties.

3.4.1. Prior to the start of construction, it may be required that the applicant and/or contractor layout the footprint or structure foundations to verify setback and elevation compliance.

3.5. Inspections. Pre-, during-, and post-construction site inspections may be performed to document project conditions and determine permit compliance. Any findings contrary to the

approvals and requirements of the permit may be documented, corrective actions pursued accordingly, and the action may be treated as a violation. If work is not completed to Central's satisfaction, the permittee will be contacted and informed about the actions required to bring the project into compliance. After the final inspection has been performed, any desired additional uses or construction will require the applicant to apply for and obtain a new permit. Failure of Central to discover or identify violations does not constitute acceptance or authorization of such violations.

3.6. Project Completion. Upon completion of a project, the applicant shall notify Central. By notifying Central that the project is complete, the applicant represents that no further construction or activities will take place, even if all permitted items have not been constructed. Central will document those conditions that are present during the final inspection, and once documented, no further construction will be allowed to be performed under the authority of the related permit.

4. GENERAL SPECIFICATIONS. All uses shall be constructed, located and maintained by the applicant according to the following general specifications:

- Uses permitted by Central must comply with applicable local, state, and federal regulations, any applicable agreements with Central, and permits granted by Central.
- Uses shall not be contradictory to Central's Project License and objectives.
- Uses shall be maintained in good, safe, and sightly condition at all times, as determined by Central.
- Uses must be located within the boundaries of a lot leased or sub-leased from Central, or on that part of Central's property directly adjacent to the land leased, subleased, or owned by the applicant, unless otherwise determined by Central.
- If an activity or use is to take place on a part of Central's property that is within and/or subject to a lease with another entity, the permission or consent of that entity shall also be required.
- The use of hardware to attach an item or piece of equipment, which would typically be portable, to a surface (wall, roof, deck, patio, etc.) in a permanent or semi-permanent fashion will be the basis for considering the item or equipment to be a permanent feature and subject to these Permitting Procedures.
- Hazardous items or uses will not be permitted.
- The applicant is responsible for any and all damages to property belonging to Central and/or other tenants, subtenants, or adjacent landowners resulting from any actions, whether or not permitted.

4.1. Acceptable Materials. The use of items or materials deemed by Central to be of a safety, environmental, scenic or operational concern will not be permitted.

4.2. Environmental Site Protection. Steps shall be taken to prevent materials, such as any petroleum products, chemicals, exposed soil or potential sources of sedimentation, or other harmful materials that are spilled or stored on site, from washing into the waterbody as a result of construction, cleanup activities, natural runoff, or flooding. If during construction, any materials are accidentally or inadvertently placed, relocated, washed, or spilled off site or into an adjacent waterbody then those materials will be removed or retrieved and all necessary mitigation and remediation measures will be required to be taken with all expenses therefor being the responsibility of the applicant.

4.2.1. Sediment Control. Erosion control measures are required to be implemented and maintained throughout any construction period until vegetation has been established or the risk of erosion has been reduced to a level sufficient to prevent sediment from entering Project waters or being transferred into neighboring areas during and after such period of construction. Central will notify permittees when sediment and erosion control structures may be removed.

4.2.2. Mitigation Plan. If Central determines that the scenic, recreational, or environmental values of the Project could be significantly impaired by an applicant's proposed project or modification, permission may be denied or a mitigation plan may be required as a part of the permit. A

mitigation plan shall describe the naturally occurring resources or vegetation proposed to be impacted or removed, and how the resource will be replaced or compensated for. Central may require individuals to restore site conditions or re-establish habitat conditions and pay for such activities if actions are taken on Central's property without a permit, and such actions will be treated as a violation. Naturally occurring habitat conditions, native plant species, and patterns found on Central's property prior to the impact or removal should be re-established to the extent possible and/or appropriate.

4.3. Storage of Materials and Equipment.

4.3.1 Construction Related. No construction related material, equipment, or machinery shall be placed, stored, or parked along shoreline lands, except as may be required during the construction or reconstruction of any private, residential cabin or related structure, and except as may be required for the maintenance and upkeep of said shoreline lands and the improvements placed thereon. When not in use, all construction materials, equipment and/or supplies shall be stored above the anticipated high water line and on the leased or subleased lot. Special permission to store items on any common area may be permitted if Central determines that it may be allowed.

4.3.2. Personal Items. Personal items are to be stored within the boundaries of a leased lot or other such area authorized to be used for such purpose by Central.

4.3.3. Fuel. The storage of bulk quantities of fuels must comply with federal, state or local codes and shall be:

- Located within the lot's buildable area, above the FERC lake limit, and greater than thirty feet (30') from the shoreline of the associated lake, and
- Securely anchored, and
- Equipped with secondary containment sufficient in size to hold two times (2x) the capacity of the storage tank (does not apply to liquid propane or other aerosolizing fuels).
- Except that, at Johnson Lake, new or replacement liquid propane tanks will be limited in size to less than 125 gallons and shall be required to be located a minimum of ten feet (10') from a platted roadway or alley.

4.4. Vegetation Clearing. Selective clearing of vegetation on Central's property may be permitted singularly or as part of a variety of permit types. The applicant shall minimize the amount of land, shoreline and aquatic vegetation removed or disturbed during construction. Vegetation on upland sites disturbed by construction shall be re-established if needed to prevent sedimentation into the waterbody.

4.5. Survey Monuments and Utility Structures.

4.5.1. Survey monuments or pins are protected by State Statutes and may not be altered, removed, or otherwise tampered with. Survey monuments or pins may not be covered by a paved surface,

e.g. concrete, asphalt, etc., buried under excessive amounts of soil, or have pavement placed within a six inch (6”) radius of the monument to allow for future location, inspection, and maintenance.

4.5.2. Concrete, asphalt, or hard/impervious material shall not be placed within a one foot (1’) radius of utility boxes or poles to allow for future maintenance or replacement of the item without written consent from the utility provider.

4.6. Viewshed Protection. Each shoreline adjacent lot should have a reasonable view of the lake through protection of a Viewshed.

4.6.1. Features which are less than eighteen inches (18”) in height above ground level, permitted flag poles, and open sided boat docks and lifts are not considered to create a visual obstruction and are not regulated by this section.

4.6.2. In areas of sloping or steep topography, an adjacent lot’s features which are not visible from the centerline measuring point of the adjacent lot will not be considered to create a visual obstruction and will not be regulated by this section.

4.6.3. Consent to Impact Viewshed. The placement of any structure on land or vegetation plantings which would create an obstruction within the Viewshed of an adjacent lot requires the written consent of the tenant or subtenant of the lot for which the Viewshed is impacted.

4.7. Utilities. Privately owned utilities and related features, i.e. electrical service, gas lines, water lines, sewage systems, etc., may be constructed or placed within the boundaries of the leased lot, typically in conjunction with a related permitted activity. Where such items are required to extend outside of lot boundaries to connect to publicly owned or commercial services, permission may be granted, except that these systems may not encroach on existing permits, leases, easements, or rights of way.

4.7.1. Electrical Service. Electrical service must be installed, operated and maintained in accordance with the requirements of applicable national, state, and local codes. For any electrical feature located within thirty feet (30’) of the shoreline or in or over Project waters, the permittee must obtain, and present to Central, a certificate from a licensed and practicing electrician stating that all electrical service, connections, and wiring have been installed in compliance with applicable codes.

4.7.2. Private and Utility Provided Natural Gas Service. Gas service, either private or commercially provided, and associated features must be installed, located, operated, and maintained in accordance with the requirements of applicable state and local codes.

4.7.3. On-site Wastewater Treatment and Septic Systems. Septic systems are regulated by the State of Nebraska and require proof of compliance with State standards during the application process.

4.7.4. Domestic Water Wells. Water wells are regulated by the State of Nebraska and require proof of compliance with State standards during the application process.

4.7.4.1. Water wells located below the FERC lake limit may be allowed with prior approval of the appropriate state and local agencies.

4.8. Exterior Lighting. Lighting must be directed so that it does not cause an undue nuisance to neighboring and nearby lots.

4.8.1. Lights within thirty feet (30') of the shoreline or over Project waters will be limited to a height of fifteen feet (15').

4.8.2. Additional exterior lighting restrictions are found in Appendix D to provide protections for the American Burying Beetle.

4.9. Water Drainage and Discharge. Work performed by an applicant must not cause water to flow into any part of a structure or facility on another lot or change a lot's grade such that it restricts or diverts the natural flow of water from or onto an adjacent lot in a way that negatively impacts said lot(s). Central may require preventative measures be taken if water runoff or blockage presents an issue on other lots.

4.9.1. Water Discharge. No water may be discharged directly onto the shoreline of a lake or into a body of water through the use of pipes, culverts, channels, etc., without the prior approval of Central.

4.9.2. Drainage of Surface Runoff Water. Pipes, troughs, or ditches used to convey surface runoff water are considered a dwelling related form of construction and must be installed as part of a permit. The outlet of the surface water collection and drainage system shall be located no closer than fifteen feet (15') from the shoreline of an adjacent body of water and should deposit the conveyed water into permeable soil so that it percolates into the ground.

4.10. Damage to Neighbor's or Central's Property. An applicant is solely responsible for any and all damages to neighbor's and Central's property.

4.10.1. Central may require individuals to restore site conditions to a pre-disturbance level and either arrange to pay for such activities or reimburse Central for incurred expenses to repair a site if actions are taken on Central's property without a permit or site damage occurs as a result of construction related activities outside of the tenant's lot.

5. SHORELINE & WATER ACCESS FACILITIES (SWAF) SPECIFICATIONS.

5.1. SWAF General Conditions. This section applies to all Water-Based SWAF and Land-Based SWAF located within thirty feet (30') of the shoreline.

5.1.1. SWAF Side Setback. SWAF will be located no closer than ten feet (10') to the side boundary lines of a leased or subleased lot or privately owned lot. Central may permit SWAF outside of the placement boundaries where justifiable circumstances exist.

5.2. Water-Based SWAF

5.2.1. Placement Zone.

5.2.1.1. Water-Based SWAF will be located in or over water in an area that represents a reasonable extension of the SWAF Side Set-Back into Project waters, as determined by Central.

5.2.1.1.1. Central Midway Lake. A number of boat access zones have been platted for the placement of Water-Based SWAF by subtenants, both adjacent and non-adjacent to the lake's shoreline. The creation of additional or modification of existing boat access zones may be accomplished through coordination with and approval from Central and the Lake Association.

5.2.1.1.2. Lake McConaughy. Within the K-1 Cabin Area, Tier 1 lots with permitted Water-Based SWAF may be allowed to temporarily relocate Water-Based SWAF to adjust to fluctuating lake levels. Prior to relocating the SWAF, tenants must provide consent from both Lake McConaughy Lessee's, Inc. (LMLI) and the tenant adjacent to the proposed relocation site. Upon returning to normal operational lake levels, the SWAF must be returned to the appropriate lot's SWAF placement zone.

5.2.1.2. Water-Based SWAF may extend into the water no further than:

- The area of boatable water depth (three feet at normal lake operating levels),
- One hundred thirty feet (130'), or
- One quarter (1/4) the width of a cove, whichever is less.

5.2.1.2.1. Central may permit items outside of the SWAF side setback boundaries, or adjust the dimensions of the placement zone, where justifiable circumstances exist as determined by Central.

5.2.2. Size and Configuration

5.2.2.1. The maximum length of a boat dock, as measured from the shoreline, shall be one hundred thirty feet (130').

5.2.2.2. The maximum height of a Water-Based SWAF shall be fifteen feet (15') above the water surface.

5.2.2.3. The total footprint size of Water-Based SWAF shall not exceed one thousand two hundred square feet (1,200 ft^2). The square footage of a Water-Based SWAF shall be calculated utilizing the outermost perimeter of such facility's footprint and shall include any open slip areas, inflatable rafts, trampolines, boat ramps, etc.

5.2.2.4. The deck of any Water-Based SWAF located over the water shall be limited to sixteen feet (16') wide or less in one dimension. This limitation does not apply to soft sided inflatable raft or trampolines.

5.2.2.5. Roofs will not be allowed over a boat dock, except when located in portions of coves or at other locations where a roof would not obstruct the Viewshed of any other lot.

5.2.2.6. Boat lift covers are not considered to be roofs for purposes of these Permitting Procedures. Sides will not be allowed to be installed on Water-Based SWAF, except that boat lift covers and sides may extend down from the top of the permitted structure to adequately protect the watercraft.

5.2.2.7. Open gangway railings or loading/unloading assistance posts may be allowed so long as they do not create an undue visual obstruction.

5.2.2.8. A maximum of ten (10) watercraft may be served by a boat dock, without requiring consultation from resource agencies and approval from FERC.

5.2.3. Dock Flotation. Dock flotation shall be fabricated from materials which:

- Will not become waterlogged, and
- Are resistant to damage by animals or contact with petroleum products, and
- Will not sink or contaminate the water if punctured.

5.2.3.1. If an existing dock's flotation is determined to be no longer serviceable or capable of supporting the structure, i.e. inadequate, waterlogged, or deteriorating, Central may require the replacement of the substandard flotation with the installation of approved flotation at the facility owner's expense.

5.2.3.2. Approved flotation shall consist of commercially manufactured polyethylene flotation structures (billets) injected with polystyrene or urethane foam. No metal covered or injected foam drum flotation (55-gallon barrels, or similar) will be allowed.

5.2.4. Dock Safety Markings. Reflective markings, signs, or other warning mechanisms may be required on Water-Based SWAF if Central determines such items are necessary to address navigational or public safety concerns.

5.2.5. Buoys.

5.2.5.1. Regulatory Buoys. Regulatory buoys may be placed by Central, the NGPC, or by special permit only. Regulatory buoys placed in Project waters without proper authority will not be recognized as enforceable, may be removed, and corrective action may be taken.

5.2.6. Additional Items.

5.2.6.1. Inflatable and/or floating recreational items, such as rafts and trampolines, must be situated inside of the SWAF placement zone and anchored to prevent unexpected movement which may create a safety hazard.

5.3. Land-Based SWAF.

5.3.1. Location.

5.3.1.1. The location of Land-Based SWAF will be limited by the SWAF side setback (Section 5.1.1), no closer than ten feet (10') to the side boundary lines of a leased or subleased lot or a privately owned lot, unless written adjacent neighbor and area association approval is obtained.

5.3.2. Routes of Access to the Shoreline.

5.3.2.1. Routes of access shall be limited to six feet (6') in width and shall be constructed in the most direct route feasible, as determined by Central.

5.3.2.2. An eight-foot-wide by six-foot-deep (8' x 6') anchor pad may be permitted at the end of a route of access where a dock is connected to the shoreline.

5.3.2.3. Up to three (3) routes of access may be permitted per leasehold, lot, or adjacent landowner with a minimum separation of forty feet (40') from edge-to-edge.

5.3.2.4. Hand rails may be included as a feature in a route of access to provide for safe use while traversing any included slopes, steps, or stairs. Hand rails shall be less than forty-two (42") in height above walking surface and constructed in such a manner to cause the least amount of visual obstruction, as determined by Central.

5.3.2.5. Hillside trams will be considered on a case-by-case basis. To be considered, at a minimum, the applicant must present proof that the hillside tram meets or exceeds all American Society of Mechanical Engineers' incline elevator safety codes.

5.3.3. Private Use Watercraft Launch Ramps. The construction and maintenance of private use boat ramps shall conform with and be permitted by USACE prior to being permitted by Central.

5.3.3.1. The placement of private use watercraft launch ramps must conform with the SWAF placement zone (refer to section 5.2).

5.3.3.2. The maximum width for the usable surface of a private use boat ramp will be fifteen feet (15').

5.3.3.3. The maximum length of a private use boat ramp varies based on slope and water depth and shall not extend into the water farther than is required to launch the type of watercraft it is designed to service.

5.3.3.4. Reasonable vehicular access is permitted provided that permanent on-grade routes of access to a boat ramp do not exceed ten feet (10') in width.

5.3.4. Constructed Swimming Beaches. The placement of sand to create or maintain swimming beach areas may be permitted pursuant to USACE regulations regarding the placement of fill material in a water of the United States.

5.3.4.1. A constructed beach may be surrounded by retaining walls constructed perpendicular to the shoreline and extending into the water.

5.3.4.2. An upland retaining wall may be constructed to assist in the creation and containment of the beach area and diversion and redirection of water from an uphill site provided that the lake-ward edge of the retaining wall is at least one foot (1') above the OHWM of the adjacent water body.

5.3.4.3. A constructed beach and associated retaining walls must be located within the Land-Based SWAF zone, be no wider than 30' in total length, not interfere with adjacent shoreline protection projects, not restrict access to the shoreline for future maintenance activities, and must not disturb survey monuments.

5.3.4.4. The width of a set of steps through a retaining wall is not limited, so long as any route of access connecting to and abutting the retaining wall, both above and below, conforms to the six foot (6') Land Based-SWAF route of access width limit found in section 5.3.2.

5.3.5. Shoreline Adjacent Patios and Shoreline Parallel Sidewalks. An on-grade sidewalk, patio, deck, or any combination thereof, may be constructed within thirty feet (30') of the shoreline of a leased or subleased lot unless otherwise stated in relevant agreements.

5.3.5.1. Maximum Size and Area Calculations. The combined total size of all preexisting and newly constructed patios or shoreline parallel sidewalks within thirty feet (30') of the shoreline may not exceed three hundred square feet (300 ft^2).

5.3.5.1.1. Pre-existing concrete in front of a grandfathered boathouse will be reviewed by Central and if the paving is connected to, and integral to, the function of the boathouse, as currently used, the paved area may not be used in calculating size of the permitted patio.

5.3.5.1.2. Pre-existing concrete or pavement from unused or unserviceable boat ramps shall be considered when calculating the size of a permitted patio.

5.3.5.1.3. In some cases, non-conforming and grandfathered dwellings and related structures are present within thirty feet (30') of the shoreline, in these cases enclosed portions of such structures shall not be included in the size calculation for a shoreline adjacent patio.

5.3.5.2. Shoreline Adjacent Patios.

5.3.5.2.1. Permitted routes of access which lead directly to a permitted patio facility will not be included in the three hundred square feet (300 ft^2) maximum size measurement, except where those routes of access abut or pass through an existing or newly permitted patio in such a way that the route of access would be considered to be a part of the patio, as determined by Central.

5.3.5.2.2. To not be included in the size limitation, a route of access must be separated from the shoreline adjacent patio by a minimum of three feet (3').

5.3.5.2.3. Any area situated between a shoreline adjacent patio and route of access should be landscaped in such a manner such that water is allowed to penetrate into the soil, e.g. vegetation (including grass, ornamentals, and ground covers).

5.3.5.2.4. The placement of landscaping rock or gravel near a shoreline adjacent patio should be kept to a minimum and may, at Central's discretion, be considered to be part of the patio for purposes of calculating the size of the permitted patio.

5.3.5.2.5. Permanent features measuring no more than eighteen inches (18") in height and twenty square feet (20 ft^2) or less may be incorporated into the design and area calculation of a ground level patio constructed within the SWAF side setback area, e.g. permanent fire pits, bench seating, etc.

5.3.5.3. Shoreline parallel sidewalks.

5.3.5.3.1. Shoreline parallel sidewalks are limited to six feet (6') in width or less.

5.3.5.3.2. Any access route lying parallel to the shoreline shall be included in when calculating the area for parallel sidewalks or patios.

5.4. Common-Use SWAF. SWAF that serves more than one lot or parcel adjacent to or on Central's property are referred to as Common-Use SWAF.

5.4.1. Common-Use Water-Based SWAF shall comply with the preceding specifications except that an additional six hundred square feet (600 ft^2) may be added for each additional lot served to the standard one thousand two hundred square feet (1,200 ft^2) Water-Based SWAF size limit.

5.4.2. Common-Use SWAF may be placed within the SWAF side setback area of the adjoining lots sharing the facility.

5.4.3. Relocation or removal of SWAF features may be required, if the Common-Use agreement is terminated, to bring existing features into current standards for individual use SWAF, e.g. Maximum size, SWAF setback, etc.

5.5. SWAF Conditions Relevant to Adjacent Landowners.

5.5.1. Permits for SWAF shall be considered for those adjacent landowners from whom Central has obtained, or will obtain, rights on the property of the adjacent landowner determined to be necessary by Central, e.g. Flowage, flooding, erosion, construction setback restrictions, access for Central representatives, etc. Refer to Section 1.6

6. DWELLINGS, ADDITIONS TO DWELLINGS & RELATED IMPROVEMENTS (DWEL) SPECIFICATIONS

6.1. DWEL General Conditions. The following specifications apply to the construction, addition to, or the major repair of dwellings and dwelling related improvements situated on lands owned by and leased from Central for a residential purpose. An applicant must be a tenant or subtenant of Central and the lease or sublease must authorize the leased premises to be used for residential purposes.

6.2. Shoreline Construction Setbacks. All dwellings and related improvements on lots adjacent to a shoreline shall be located no closer to the adjacent lake's shoreline than thirty feet (30').

6.2.1. No structure, including a roof, walls, or enclosed in any way, may be permitted to be constructed within the lake/area specific shoreline setback as referenced in Appendix A.

6.2.1.1. Except that, at Johnson Lake, in areas with a shoreline setback greater than thirty feet (30'), dwellings and related improvements may be constructed within the shoreline setbacks denoted provided such construction is greater than thirty feet (30') from the shoreline and written neighbor and area association approval is obtained.

6.2.1.2. Except that, at Lake McConaughy, additions to existing dwellings structures and related improvements may be permitted within the above denoted shoreline construction setbacks provided such additions are located further from the shoreline than the pre-existing structure.

6.3. Construction Elevation Limitations. The construction of dwellings and related improvements will be limited based on elevations found in Appendix B.

6.4. Building or Structure Height Restrictions. The total height of any Dwellings and Related Improvements shall not exceed thirty-five feet (35') as measured from the Lowest Adjacent Grade, except where otherwise limited.

6.5. On Grade Features. On grade features located greater than thirty feet (30') from the shoreline may be constructed within a lot's boundaries provided that proper drainage of water is incorporated into the design of such features. Ancillary service items that provide services to lots may be placed outside of lot boundaries at Central's discretion.

6.5.1. Except that, at Johnson Lake, on grade features may be permitted between a leased lot and the edge of the adjacent interior roadway from lines that represent a reasonable extension of the lot's side boundary lines.

6.6. Below Grade Features, Including Storm Shelters and Basements.

6.6.1. The finished floor of a below grade livable area may be below the OHWM elevation of the respective waterbody, except where restricted by leases or other contractual agreements, provided that safeguards and preventative measures are implemented to prevent flooding from ground water or flood water.

6.6.2. The lowest adjacent grade and lowest opening relative to an inhabitable Dwelling is restricted by lake specific elevations as listed in Appendix B.

6.7. Fences. Fences, in general, may be located on or within a lot's boundary up to the protected Viewshed of an adjacent lot or the shoreline setback, whichever is greater. All fencing shall be required to be located a minimum of ten feet (10') from a platted roadway or alley.

6.7.1. Privacy fences shall be restricted to locations which are no closer to the shoreline than the shoreward corner of a Dwelling on the primary lot and the shoreward corner of any Dwelling on an adjacent lot or the shoreline setback, whichever is greater.

6.7.2. Lakeview Acres Fences. Fences less than forty-two inches (42") in height with designs that do not create an undue visual obstruction may be placed along the side lot boundary to a point which allows at least three feet (3') of horizontal walking surface parallel and adjacent to the shoreline.

6.8. Flagpoles. Flagpoles may be erected within a lot's boundaries so long as they do not cause an undue nuisance, as determined by Central, or impact protected viewsheds, except where restricted by leases or other contractual agreements.

7. EROSION CONTROL STRUCTURES (ECS) SPECIFICATIONS.

7.1. ECS General Conditions. For purposes of these Permitting Procedures, Central divides Erosion Control Structures into two categories:

- Erosion Control Structures along a shoreline
- Erosion Control Structures on upland sites

7.2. ECS for Shoreline Protection. The construction and maintenance of Erosion Control Structures along a shoreline where vegetation does not provide or appears unlikely to provide an effective erosion control mechanism shall conform with USACE guidelines and be permitted according to USACE standards.

7.2.1. Zone of Protection. Shoreline protection projects may be required to exceed minimum standards based on a consideration of the lake's fetch and anticipated wave splash height as determined by Central.

7.2.2. Connection to Adjacent Shorelines. Erosion Control Structures shall be properly connected to any adjacent revetment structures or be extended inland to prevent erosional flanking.

7.2.3. Filter Fabric. Filter fabric will be required on all newly constructed Erosion Control Structures.

7.3. ECS on Upland Sites (Retaining Walls). Retaining walls will be permitted on a case-by-case basis dependent on site conditions, safety, and environmental factors located within thirty feet (30') of the shoreline. The following specifications are for the construction and maintenance of retaining walls.

7.3.1. Location. Retaining walls may be constructed on upland sites and may be constructed through a variety of construction methods with materials including but not limited to: block, stone, formed concrete, sheet piling, brick, and wood.

7.3.2. Maximum Height. The maximum height of any single portion of any portion of a retaining wall system shall be four and one half feet (4 ½') as measured from the lowest point of the grade adjacent to the retaining wall. In areas of steep topography, a retaining wall may, on a case-by-case basis, be permitted to exceed the maximum height provided it is an engineered design with industry standard safety features.

7.3.3. Spacing. Multiple retaining walls may be built provided that a horizontal spacing equaling or exceeding the adjacent wall height is maintained between the individual retaining walls.

7.3.4. Incorporated Routes of Access. Shoreline routes of access may be incorporated into the design of a retaining wall. The width of a set of steps through a retaining wall is not limited, so long as any route of access connecting to and abutting the retaining wall, both above and below, conforms to the six foot (6') Land Based-SWAF route of access width limit found in section 5.3.2.

7.3.5. Shoreline Spacing and Access. Adequate spacing and access must be provided when retaining walls are constructed in the proximity of a shoreline to ensure access for future construction or maintenance of shoreline protection features as determined by Central.

8. VEGETATIVE MODIFICATION SPECIFICATIONS.

8.1. Tree or Shrub Trimming or Removal.

8.1.1. Tree and shrub trimming or removal by a tenant or subtenant may require a permit depending on restrictions imposed on Central during certain times of the year (Refer to Appendix D for restrictive time periods).

8.1.1.1. Trees which are an immediate hazard to life or property may be cut without a permit regardless of date. Photo documentation demonstrating a clear and present hazard must be provided to Central within thirty (30) days of the removal activity.

8.1.2. Adjacent landowners may apply for a tree or shrub trimming or removal permit for the following purposes:

- To remove or trim diseased or hazardous trees, or
- To remove invasive or non-native tree species, or
- To accommodate activities related to permitted construction.

8.2. Tree and Shrub Planting.

8.2.1. Placement. Tree and shrub planting may be permitted within a lot's boundaries or in the area immediately adjacent to the lakeside of the lot.

8.2.1.1. Neighbor approval is required when a tree or shrub planting site is situated:

- Within an adjacent lot's protected Viewshed, or
- In a location near a lot line that is closer than one-half (½) of the tree's anticipated canopy diameter at maturity, or
- Within a lot's setback zone between adjacent structures, in such a manner that future access would be negatively impacted.

8.2.2. Tree or shrub species that are considered invasive, noxious, or watch list species are not allowed to be planted on Central's property.

9. DREDGING, EXCAVATING AND FILLING SPECIFICATIONS. Dredging, excavating and filling activities conducted for non-Project, non-public use shall be conducted according to the following specifications:

9.1. Dredging, filling, and Excavating below the OHWM.

9.1.1. Dredging and excavating activities below the OHWM shall conform with USACE guidelines and be permitted according to USACE standards.

9.1.2. Dredging and excavating activities within or impacting wetland areas are prohibited.

9.1.3. Dredging or excavating below a lake's OHWM will require sufficient buffer distances to ensure no adverse impacts to the wetland.

9.2. Filling Below the OHWM.

9.2.1. Placing fill material below the OHWM shall conform with USACE guidelines and be permitted according to USACE standards.

9.2.2. Only the minimum amount of fill necessary for the proper design and installation of a permitted Erosion Control Structure or SWAF may be permitted.

9.3. Excavating on an Upland Site. Excavation occurring in a previously undisturbed location may require SHPO consultation and approval.

9.4. Filling on an Upland Site. Fill material must be free of construction debris and contaminants.

10. FISH ATTRACTION STRUCTURES (FISH) SPECIFICATIONS. The placement or installation of fish attractors shall conform to the following specifications:

10.1. Placement

10.1.1. Fish attractors may be installed no further than forty feet (40') of the shoreline adjacent to the applicant's lot if not located directly under a Water-based SWAF.

10.1.2. Fish attractors may be located no closer than ten feet (10') from a line that represents a reasonable extension of the lot's side boundary line lines into the water body.

10.1.3. Fish attractors placed within the first ten feet (10') from the shoreline shall be submerged a minimum of one foot (1') below the normal lake elevation.

10.1.4. Fish attractors placed between ten feet (10') and forty feet (40') from the shoreline shall be submerged a minimum of two feet (2') below the normal lake elevation.

10.1.5. Fish attractors placed beyond forty feet (40') from the shoreline may be placed immediately below a Water-based SWAF.

10.1.6. Fish attractors shall be placed in a manner which will reduce any negative impact or adverse effect on navigation, boating safety, or use of the project by the general public.

10.1.7. Fish attractors shall be properly anchored and maintained so as to prevent the movement of the structure or any associated materials from the authorized placement site.

APPENDIX A

CONSTRUCTION SETBACKS ON LAND LEASED FROM CENTRAL					
Lake/Area/Lots/Classification				Shoreline Setback	Additional Approvals Required
Lake McConaughy	K1	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 23A, 39, 40, 40A, 41, 48, 49, 50, 51, 53, 54, 58, 59, 60, 61, 62, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98		75’	LMLI and K-Area Approvals Required
	K2	16-20			
	K4	All Lots			
	K1	24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 43, 44, 45, 46, 47, 55, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88		100’	
	K2	1-15			
	K3	All Lots			
Jeffrey Lake			A	30’	JLDI Association Approval Required
			B	75’	
			C	NA	Accessory Uses 150'
Midway Lakes	**West, Central & East Midway Lakes**		A	30’	MWRC Association Approval Required
			B	75’	
			C	NA	Accessory Uses 150'
Plum Creek Lake			A	50’	
			B	75’	
			C	NA	Accessory Uses 150'
East Phillips			B	75’	
			C	NA	Accessory Uses 150'
Little Knapple			C	NA	Accessory Uses 150'

- Lake/area association policies may be more restrictive.
- Existing agreements that are more restrictive supersede these restrictions.
- NA – Indicated private use not allowed.

APPENDIX A - Continued

CONSTRUCTION SETBACKS ON LAND LEASED FROM CENTRAL - CONTINUED					
Johnson Lake					
Area Association		Shoreline Construction Setback	*Notes*	Additional Approvals	
				Area Association	Neighbor
Bass Bay		30’	*Approvals when between 30’&50’*	X	X
Bullhead Point		30’	*Tier 1, 2, & 3 lots*		
Crappie Corner		50’		X	
Dry Bay		30’		X	
East Shore		50’		X	
Idle Hours		50’			
Kirby Point		50’			
Lakeview Acres[3]		*NA*			
Mallard Beach	Section 1 (1-14)	50’			
	Section 3 (15-26)	50’			
	Section 4 (27-45)	50’			
	Sec. 5 & 6 (66-122)	30’			
	Section 6 (123-133)	50’		X[1]	
	Section 7 (134-145)	50’		X	
	South Bay (47-65)	40’	*Enclosed structures*		
		30’	*Structures without walls[2]*		
Mallard Cove	Section E (1-26)	30’		X	
	Section D (27-32)	30’			
	Section C (33-37)	50’			
	(38-43)	50’			
Merriweather[3]		*NA*			
North Cove		50’		X	
North Point		50’		X	
North Shore		50’		X	
Northeast Bay		50’			
Northeast Cove		50’			X
Pelican Bay[3,4]		*NA*			
Perch Bay		50’			X
Perch Bay Addition		50’		X	
Sandy Point		40’	*All lots*		
		30’		X	
South Crappie Corner		50’			

- Lake/area association policies or binding agreements may be more restrictive than Central’s requirements. -

[1] Lots 123-133 require Area Association Approval

[2] i.e. covered porches, awnings, etc.

[3] Reference area covenants, leases and agreements

[4] 30’ minimum distance from property line to face of any building

APPENDIX B

CONSTRUCTION ELEVATION LIMITS FOR PURPOSES OF THESE PERMITTING PROCEDURES RELATING TO LOTS LEASED OR SUBLEASED FROM CENTRAL				
Reservoir	Normal Maximum Lake Level	Lowest Adjacent Grade	Lowest Building Opening	Ordinary High Water Mark (OHWM)
McConaughy	3,265.0	3,282.0	3,282.0	3,265.0
Jeffrey	2,760.0	2,762.0	2,763.5	2,759.0
Central Midway	2,632.3	2,634.3	2,635.8	2,629.6
Glen Young	2,631.8	2,633.8	2,635.3	2,629.1
Plum Creek	2,630.4	2,632.4	2,633.9	2,627.2
Johnson	2,621.0	2,622.0	2,623.5	2,618.3
Knapple	2,509.0	2,511.0	2,512.5	2,504.8

All Elevations are measured in feet above mean sea level and are in Central's FERC datum unless noted otherwise.

APPENDIX C

FEE SCHEDULE – The following Standard and After-the-Fact permit application fees are for typical permit applications. These fees are subject to change without notice.

Intended Construction or Use	Standard Permit		After-the-Fact Permit	
	Tenant, Subtenant, or Lessee	**Adjacent Landowner**	**Tenant, Subtenant, or Lessee**	**Adjacent Landowner**
Shoreline & Water Access Facility	$50 Admin Fee	$200 Admin Fee + $200 Annual Fee	$200 Admin Fee	$500 Admin Fee + $200 Annual Fee
Erosion Control Structure - Shoreline	$0	$0	$100 Admin Fee	$500 Admin Fee
Erosion Control Structure - Land	$0	Not Allowed	$100 Admin Fee	Not Allowed
Dredge, Excavate, and/or Fill	$50 Admin Fee	$250 Minimum Admin Fee	$100 Admin Fee	Allowance Determined by Central. Permit Fees May Be Substantial
Planting, Modification, Cutting or Trimming of Vegetation	$0	$200 Admin Fee†	$100 Admin Fee	Not Allowed
Dwellings, Additions, or Other Improvements	$0	Not Allowed	$100 - $500 Admin Fee	Not Allowed
Fish Attractors	$0	$0	$50 Admin Fee	$100 Admin Fee
After the Fact Project Requiring a Variance	Not Applicable	Not Applicable	$500 Admin Fee	Additional $500 Admin Fee

Improvements Requiring F.E.R.C. Approval or Resource Agency Consultation	Variable Admin Fee	Variable Admin Fee + Variable Annual Fee	$500 + Variable Admin Fee	Not Allowed

Refer to notes listed below:

•A Standard Permit is a permit granted by Central prior to the applicant beginning construction or work.

• An After-the-Fact Permit is a permit granted by Central after the applicant has begun construction or work.

• These fees represent a range and are typical for the normal range of permit applications normally considered and anticipated by Central.

• Permit application fees for atypical situations, such as permits for uses not listed above, permits requiring an unusual level of effort in review, or permits requiring an unusual level of effort due to non-compliance of the applicant, may be set by Central on a case-by-case basis.

• Central shall determine which permit application fees are applicable for each permit application. More than one permit application fee may apply if application is made for more than one type of construction or use.

• Administrative fees are not a deposit, will not be returned once Central's review of a permit application has been initiated, and do not guarantee the authorization of an applied for activity.

† Adjacent Landowner Vegetation Removal Fee may be waived for the removal of noxious, invasive, or non-native species from Central property if the activity provides an environmental or ecological benefit, as determined by Central.

APPENDIX D

SPECIFICATIONS RELATED TO PROJECT RESOURCES

The following list represents key resources found within the Project, as well as special permitting conditions that apply to each resource type. Central may not grant variances which may impact these resources without consulting with pertinent resource agencies.

- Least Tern & Piping Plovers.
    - Access Points
        - Spacing of beach access points of > ½ mile, may require fenced corridor to shoreline and/or controlled access to allow for closure if needed.
    - Construction Activities
        - No construction allowed on beaches from April 1st through August 15th.
    - Pesticides
        - No broadcast pesticide applications allowed from April 1st through August 15th.
    - Beach Maintenance
        - No disturbance activities (disking, dragging, grading, tree cutting, etc.) allowed from April 1st through August 15th.
    - Fireworks
        - No fireworks allowed on beaches from April 1st through August 15th unless authorized by annual special permit.
    - Dogs
        - Dogs shall be on leash at all times when on beaches from April 1st through August 15th.

- American Burying Beetle.
    - Boxelder Canyon through Gallagher Canyon
        - Soil Disturbance
            - Permits for soil disturbance activities in excess of 100 sq. feet will not be allowed in previously undisturbed areas from May 1st through October 31st unless:
                - The area has been mowed to maintain a vegetation height of less than 2 inches for 48 days prior to disturbance, and
                - Daily inspections are conducted for presence and removal of carrion.
        - Lighting
            - Mercury vapor and ultraviolet lighting, including “bug zappers” will be prohibited within the identified area.

- Bald Eagles.
    - Bald Eagle Resource Protection Classification areas will require permit approval for any tree trimming and/or removal activities.

- Migratory Birds.
    - Permits will be required for trimming and/or removal of trees from April 1st through August 15th.

- Northern Long-Eared Bats.
    - Gosper and Dawson Counties Only -
        - During the months of June and July, no cutting or trimming of trees greater than three inches (3”) in diameter will be permitted.

- Recreational Resources.
    - Recreational Resource Protection Classification areas will prohibit private structures within the identified areas.
    - Private water access points, if allowed, will be restricted to ground level or near ground level, natural materials and colors, and no in-water structures.

- Native Grasslands.
    - Special conditions within Native Grasslands Protection Classification:
        - No private development allowed except for properly permitted access points as described in the Least Tern and Piping Plover section above.
        - Public development may be allowed by permit only on a case-by-case basis.
        - Motorized access, if any, will be restricted to permitted access points and paths.

APPENDIX E

DEFINITIONS

Above Grade, Below Grade, On Grade. As used in these Permitting Procedures:

- "above grade" shall mean constructed items located in whole or that part above the surface of the ground.
- "below grade" shall mean located in whole or in part below the surface of the ground.
- "on grade" shall mean located in whole or in part even with the surface of the ground.
    - Central may use discretion in designating an item as on grade, providing that the item extends no more than four inches (4") above the surface of the ground.

Conveyance. The legal process of transferring a right to use property from Central

Dwelling. Any structure or facility used as a residence on Central's property leased or subleased to tenants or subtenants.

Dwelling Buildable Area (Buildable Area). The space remaining on a lot after the minimum setbacks and other site restriction requirements of these Permitting Procedures have been met.

Dwelling Related Improvements. Structures, facilities, or improvements that are not SWAF and that serve, support, are connected to, provide access to, or enhance the use or enjoyment of a Dwelling.

Encroachment. Unauthorized use and occupancy of Central's lands and waters (structures existing either fully or partially within the ownership or project boundary) by an adjacent landowner where Central has not granted authority to use or occupy such lands and waters.

Erosion Control Structure (ECS). A structure or facility that provides or is intended to provide protection to the shoreline or sloping upland sites from erosion.

Lot. A parcel of land having fixed boundaries and designated on a plat or survey.

Lowest Adjacent Grade. The lowest point in elevation at which the exposed exterior of a building comes into contact with the surrounding ground.

Lowest Opening. An opening through the exterior of a dwelling through which water would freely flow into the structure if the water level from the adjacent body of water is at that elevation on the exterior of the structure.

Major Repairs or Replacements. The repair or the replacement of more than twenty-five percent (25%) of a facility or its value, as determined by Central.

- Major repair or replacement is treated as new or replacement construction, and the entire facility is subject to the requirements of these Permitting Procedures, regardless of whether or not such repair or replacement is necessitated by dilapidation, loss, damage, or otherwise.

Non-Project Use. A specific use and occupancy of the project lands and waters that is not related to hydroelectric power production or other project purposes that the licensee may authorize, as long as the use is consistent with the project's purposes and scenic, recreational, and environmental values.

- Such non-project uses may include, but are not limited to, shoreline facilities such as residential boat docks, retaining walls, and commercial marinas, and may be authorized by the licensee either with or without prior Commission approval depending upon the proposed use and occupancy.

Ordinary High Water Mark (OHWM). That line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

- For purposes of these Permitting Procedures, the OHWM is determined as high lake elevations that occur regularly enough throughout a calendar year to be considered consistent or ordinary.
- As Central's system is man-made and operated, the OHWM may be modified from time to time as the level at which a lake is operated changes.

Permit Notice of Approval. A document utilized by Central which describes the permitable features of a project.

Retaining Wall. A retaining wall is a structure designed and constructed to modify the slope of a hillside by constructing a vertical wall (or series of vertical walls) with expanded horizontal section(s) immediately adjacent. Retaining walls are typically allowed to provide improved access to the shoreline and/or prevent erosion of soil down slope or into Project waters or wetlands.

Shoreline and Water Access Facility (SWAF). SWAF include, but are not limited to, docks, watercraft lifts, watercraft ramps, piers, dock anchor pads, routes of access to the shoreline (e.g. paths, walkways, steps, trams, etc.), shoreline adjacent patios and amenities, buoys, inflatable or floating recreational features, etc.

- **Land-Based SWAF (SWAF-Land).** SWAF located primarily not in or over Project waters and include but are not limited to routes of access to the shoreline (such as paths, walkways, steps, trams, etc.), shoreline adjacent patios and amenities, and structures supporting or making possible Land-Based SWAF.
- **Water-Based SWAF (SWAF-Water).** SWAF located primarily in or over Project waters and include but are not limited to boat docks, lifts, shore stations, floating trampolines, buoys, etc.

Upland Site. Land or an area of land lying at least one foot (1') vertically above the OHWM of the adjacent body of water, unless otherwise delineated by a person trained and qualified to conduct wetland delineations.

Viewshed. That area facing the lake within 45 degrees either side of the point of intersection of a shoreline adjacent lot's centerline with the front of such lot's habitable structure.

- Calculation of a Protected Viewshed
  - If a habitable structure is not present on a lot, the Viewshed will be calculated from the intersection of the lot's centerline with the lot's shoreline setback as found in Appendix A.
  - Viewsheds will be measured from the wall of the dwelling closest to the shoreline.
    - Eave overhangs or covered porches and patios will not be included in the measurement of the viewshed.
  - Every circumstance is different and adjustments may be made at the discretion of Central.

Watercraft. A boat or other vessel that travels on water, including motorboats, personal watercraft, and sailboats.

- For the purposes of these Permitting Procedures, a watercraft shall:
  - Be registered and titled,
  - Be used for purposes associated with boating, such as transporting individuals or groups of individuals across bodies of water
  - Not be allowed to remain stored on a body of water for more than eight (8) months in a calendar year.