

**THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT**

415 LINCOLN STREET

P.O. BOX 740

HOLDREGE, NEBRASKA 68949-0740

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

These Permitting Procedures are only for non-Project, non-public uses by tenants, subtenants, and adjacent landowners.

Construction and access for utilities, commercial or public use facilities, 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.

These Permitting Procedures are associated with Central's Land and Shoreline Management Plan under Article 421 of the Federal Energy Regulatory Commission License for FERC Project No. 1417.

**These Permitting Procedures were approved on November 7, 2016  
by Central's Board of Directors  
and were effective on January 1, 2017**

*(Amended March 24, 2017)*

*(Amended May 1, 2017)*

**The Central Nebraska Public Power and Irrigation District  
FERC Project No. 1417**

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**The Central Nebraska Public Power and Irrigation District  
FERC Project No. 1417**

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**1. GENERAL**

**1.1. Purpose.** The purpose of these *Construction and Shoreline and Water Access Permitting Procedures for Tenants, Subtenants, and Adjacent Landowners* (Permitting Procedures) is to establish a 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, shoreline and water access to Project lands and waters and the construction of certain permanent or temporary 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 Central 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.

Construction and access for utilities, commercial, or public-use facilities, 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 those 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. Definitions.**

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

- “above grade” shall mean located in whole or that part above the surface of the ground
- “below grade” shall mean located in whole or that part below the surface of the ground
- “on grade” shall mean located in whole or that part on the surface of the ground

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

**1.6.3. Dwelling Buildable Area.** The space remaining on a lot after the minimum setbacks and other site restriction requirements of these Permitting Procedures have been met. For purposes of these Permitting Procedures, in addition to the main structure, all eaves, steps, porches, decks, egress window wells, fuel tanks, and HVAC units shall be considered a part of the building or a related structure and must be located within the lot’s buildable area.

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

**1.6.5. Land-Based Shoreline and Water Access Facilities (SWAF).** 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.

**1.6.6. Lot.** A parcel of land having fixed boundaries and designated on a plot or survey.

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

**1.6.8. Lowest Living Elevation.** The floor elevation of the lowest building space that is used as, or has the potential to be converted for use as, usable living space (i.e. living room, bedroom, kitchen, dining room, bathroom, office, etc.). Lowest Living Elevation does not include such areas as crawl spaces, mechanical rooms or areas, or undersized storage areas that could not be easily converted into usable living space.

**1.6.9. 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.

**1.6.10. Major Repairs or Replacements.** The repair or the replacement of more than twenty-five percent of a facility or its value, as determined by Central. Such 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.

**1.6.11. Nonconforming Facilities.** Any existing non-Project, non-public facility, structure, or use of any kind located upon Project lands or in Project waters without the written permission of Central prior to March 7, 2005.

**1.6.12. 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. The OHWM may be modified from time to time as the level at which a lake is operated changes.

**1.6.13. 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.

**1.6.14. 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.

**1.6.15. Upland Site.** Land or an area of land lying one foot (1') vertically above the OHWM of the adjacent body of water.

**1.6.16. 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. 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. Every circumstance is different and adjustments may be made at the discretion of Central.

**1.6.17. Watercraft.** Watercraft is defined as a boat or other vessel that travels on water, including motorboats, personal watercraft, and sailboats.

**1.6.18. Water-Based SWAF.** SWAF located primarily in or over Project waters and include but are not limited to boat docks, lifts, shore stations, floating trampolines, buoys, etc.

## 2. OBLIGATIONS TO OBTAIN A PERMIT

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

- 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 and are intended to serve one or more residential type dwellings.
- The construction, or placement of structures or facilities on Project lands intended to serve as a residential type dwelling or other improvements related to a residential dwelling located within Central’s leased residential areas.
- The placement of structures or facilities on Project lands or along Project shorelines for the purpose of preventing erosion.
- 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.
- Dredging, excavating and filling activities occurring in, or near, Project waters or excavating or filling activities occurring on sites upland of Project waters (“upland sites”).
- The placement of artificial fish attraction structures in Project waters.

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.

**2.2. Items, Practices, Activities, and Uses NOT 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:

- Exterior building maintenance or modifications that do not:
  - Increase the overall square footage,
  - Change the horizontal footprint,
  - Increase the height, or
  - Alter the vertical profile of a structure
    - e.g. replacement of shingles, siding, gutters, windows, or doors, etc.
- Interior building work or remodeling that:
  - Does not change the original use of a structure,
    - i.e. does not convert a garage, porch, or boat house into living space, or
  - Does not increase the number of bedrooms in a structure that is served by an on-site wastewater system.

- The seasonal removal from and re-installation in Project waters of previously permitted boat docks and lifts where the permitted facility is designed and constructed with the intention that it will be seasonally placed and removed from Project waters, provided the facility continues to meet the originally or amended permitted construction and location specifications.
- The continued maintenance of lands previously established as landscaped including replacement of existing landscape features that are less than eighteen inches (18") above the ground level e.g. lawn edging, planter beds, ornamental vegetation, etc.
- The removal of trees that are an immediate hazard to life or property, so long as photo documentation demonstrating the level of hazard is provided to Central within thirty (30) days of the action.
- 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 a manner to prevent spills.
- Bird Feeders. Bird feeders which do not cause an undue visual disturbance within the protected Viewshed.
- Sprinkler Systems. Sprinkler systems on lots that are leased or subleased from Central.
- 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.
- Cutting or trimming trees between August 16 and March 31.

**2.2.1 Nonconforming Facilities.** Permits are not required for nonconforming facilities, provided that Central finds the Nonconforming Facility:

- Does not threaten the scenic, recreational, environmental, cultural and operational values of the Project, and
- 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, and
- Is not constructed in violation of the terms of the LSMP or the Permitting Procedures applicable at the time of construction.

When in doubt as to whether a permit is required, a customer should contact Central for guidance. The responsibility to obtain any necessary permit(s) is held by the tenants, subtenants and adjacent landowners who desire to use Central's property for a non-Project, non-public use. Failure to obtain the necessary permit(s) is a violation of these Permitting Procedures and constitutes grounds for corrective actions.



**2.3. Violations.** Failure to obtain a permit for an activity requiring a permit or performing work in conformance with an issued permit may result in Central directing that any work stop and instructing the responsible person to apply for the proper permit, provided the activity is one that is permissible.

Upon discovery of a violation, Central will take action 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.

**2.4. 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 permission for the same 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 type of activity or use requires a permit or permits under these Permitting Procedures and whether it may be permitted at the proposed location. The applicant must complete and submit all forms and 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:

- Completeness of the Application. The application is properly filled out and contains all necessary information and payment for any applicable fees, etc.
- Compliance with Central's FERC License, LSMP, Cultural Resources Management Plan (CRMP), and any other FERC or resource agency requirements. 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 apply and/or also apply. Additional resource related requirements are included in Appendix D.
- The application meets all specifications contained in these Permitting Procedures.
- The applied-for use would not interfere or conflict with Central's operations, cultural resources, environmental, recreational and public access considerations, scenic and visual impact, and any other relevant information considerations. Central may impose additional requirements as may be deemed appropriate in its sole discretion.
- Consultations, Approvals, and Permits. Applicant and/or Central have performed all necessary consultations (such as 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 Environmental Quality (NDEQ), the Nebraska Department of Health and Human Services (HHS), the United States Army Corps of Engineers (USACE), counties, stakeholder groups, area associations, etc.) and have secured all necessary permits or approvals as may be required.
- Compliance with any additional or more restrictive conditions on the use of Project lands and waters imposed by leases or other contractual agreements.

Central may contact the applicant regarding applications requiring additional information in order for Central to make a final determination.

**3.2. Permit Approval or Denial.** Once all completed forms and necessary information have been received by Central and undergone Central's review, the permit application will be either approved or denied. If approved, a notice of approval will be issued and may be subject to additional conditions or

requirements as may be determined by Central. 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.

**3.3. 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.

**3.4. 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.

**3.5. Inspections.** Pre-, during-, and post-construction site inspections may be performed to document project conditions and determine 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. Variances.** In the event that a proposed use does not conform to 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.

**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 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 the use is to take place on a part of Central's property that is within and/or subject to a lease with another entity, then the permission or consent of that entity shall also be required.
- The use of hardware to attach a piece of equipment to a surface (wall, roof, deck, patio, etc.) will be the basis for considering the equipment to be permanent 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.** Central will maintain acceptable and prohibited materials lists, which shall be available upon request and may be modified from time to time. Use of materials deemed by Central to be of a safety, environmental, scenic or operational concern is not permitted.

**4.2. Environmental Site Protection.**

**4.2.1.** 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.

**4.2.2. Sediment Control.** Appropriate erosion control measures are required to be constructed and maintained throughout any construction period and until vegetation has been established according to revegetation guidelines to prevent sediment from entering Project waters (i.e., posts and filter fabric, staked straw bales or rolls). Central requires permittees to adopt reasonable sediment control measures to prevent exposed sediment from entering Project waters or blowing into neighboring areas

during and after such period of construction. Central will notify permittees when sediment and erosion control structures may be removed.

**4.2.3. Fuel Storage.** 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 and above the FERC lake limit, 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).

**4.2.4. 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 it will be replaced or compensated. 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.

**4.2.5. Revegetation.** All areas disturbed by construction shall be revegetated with appropriate perennial vegetation (grasses and/or forbs) and maintained in good condition. Replanting disturbed areas and securing the exposed soil with a ground cover within one month of completion of construction is required to reduce soil erosion unless Central approves a later replanting date. If the seeding is not accomplished by September 15 of the year of project completion, then an erosion blanket shall be placed on the disturbed areas and shall remain in place until ground cover of the desirable species reaches seventy-five percent coverage. If the seeding is accomplished by September 15, all seeded areas shall be properly mulched to prevent additional erosion.

**4.3. Storage of Materials and Equipment.** No material, equipment, or machinery shall be placed, stored, or parked on said 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.

**4.4. Vegetation Clearing.** Selective clearing of vegetation on Central's property may be permitted 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.** Survey monuments or pins may not be removed, tampered with or covered with concrete, asphalt, etc. or buried under excessive amounts of soil. Concrete, asphalt, or hard/impervious material shall not be placed within six inches (6") of survey pins or one foot (1') of utility boxes or electrical poles.

**4.6. Viewshed Protection.** Each shoreline adjacent lot should have a reasonable view of the lake through protection of its Viewshed, and obstructions in such a lot's Viewshed will generally not be permitted. Features which are less than eighteen inches (18") in height above ground level are not considered to create a visual obstruction and are not regulated by this Viewshed protection section. Open sided docks and lifts are not considered a visual obstruction for purposes of Viewshed protection.

**4.6.1.** The placement of any structure on land or vegetation plantings which would be 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. In areas of sloping or steep topography, an adjacent lot's features which are not visible from the centerline measuring point of the lot will not be considered to create a visual obstruction and will not be regulated by this Viewshed protection section.

**4.7. Electrical Service.** Electrical service for any feature located within thirty feet (30') of the shoreline or in or over Project waters must be installed, operated and maintained in accordance with the requirements of the National Electric Code (NEC), the National Electrical Safety Code (NESC) and applicable state and local codes. 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 NEC, NESC and state and local codes.

**4.8. Exterior Lighting.** Lighting must be directed so that it does not cause an undue nuisance. Lights within thirty feet (30') of the shoreline or over Project waters will be limited to a height of fifteen feet (15').

**4.9. Drainage.** Work performed by an applicant must not cause water to flow into any part of a structure or facility on another lot or restrict the natural flow of water from an adjacent lot. Central may require preventative measures be taken if water runoff or blockage is or becomes an issue on other lots.

## **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.

### **5.2. Water-Based SWAF**

**5.2.1. Location.** Water-Based SWAF will be located no closer than ten feet (10') to the side lot lines and those lines that represent a reasonable extension of a lot's side boundaries into Project waters, as determined by Central.

Water-Based SWAF may extend into the water out to the area of boatable water depth (three feet at normal lake operating levels), one hundred thirty feet, or one quarter (1/4) the width of a cove, whichever is less.

Central may permit items outside of the boundaries of this location zone where justifiable circumstances exist as determined by Central.

### **5.2.2. Size and Configuration**

- The total size of Water-Based SWAF shall not exceed one thousand two hundred square feet (1200 ft<sup>2</sup>). 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, etc.
- The deck of any Water-Based SWAF located over the water shall be limited to eight feet (8') wide or less. This limitation does not apply to soft sided inflatable raft or trampolines.
- A maximum of ten (10) watercrafts may be served by a boat dock, without requiring consultation from resource agencies and permission from FERC.
- Up to two (2), four foot (4'), equal side isosceles right triangle dock connectors may be allowed per intersection on a dock.
- The maximum height of a Water-Based SWAF shall be fifteen feet (15') above the water surface.
- Roofs will not be allowed over a boat dock, except when located in the rear portions of coves or at other locations where, as determined by Central, a roof would not obstruct the Viewshed of any other lot.
- Boat 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 may extend three feet (3') down from the top of the permitted structure.
- Open gangway railings or loading/unloading assistance posts may be allowed so long as they do not create an undue visual obstruction.

**5.2.3. Dock Flotation.** Flotation shall be fabricated of materials which will not become waterlogged, are resistant to damage by animals, and will not sink or contaminate the water if punctured. If the flotation of a dock is determined to be inadequate, Central may require the replacement or additional placement of flotation.

**5.2.4. 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.** Buoys must be anchored and meet U.S. Coast Guard Private Aids to Navigation specifications.

**5.2.5.1.** Permitted cautionary buoys may display symbols and text to convey messages similar to “Swim Area - Caution”. Private buoys cannot be regulatory in nature, and shall not convey messages that are restrictive or prohibitory.

**5.2.5.2.** 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.** Inflatable and/or floating recreational items, such as rafts and trampolines, must be anchored to prevent unplanned movement which may create a safety hazard.

### **5.3. Land-Based SWAF.**

**5.3.1. Location.** Land-Based SWAF will be located no closer than ten feet (10’) to the side lot lines. Central may permit items outside of the boundaries of this location zone where justifiable circumstances exist as determined by Central.

#### **5.3.2. Routes of Access to the Shoreline.**

- Routes of access shall be limited to six feet (6’) in width, except that an eight-foot-wide by six-foot-deep (8’ x 6’) anchor pad may be permitted where a dock is connected to the shoreline.
- The number of routes of access or walkways leading to the shoreline or a Water-Based SWAF will be limited to one (1) walkways for every forty feet (40’) of shoreline. The maximum number of walkways per leasehold, lot, or adjacent landowner is limited to three (3).
- Hand rails may be included in a route of access to provide for safe use. Hand rails shall be less than forty-two (42”) in height and constructed in such a manner to create a minimal amount of visual obstruction, as determined by Central.



- 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 creation of a private use boat ramp is regulated by USACE. The maximum width for the usable surface of a private use boat ramp will be fifteen feet (15') with the maximum length extending no farther into the water than is required.

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

- The beach may be bounded by retaining walls which are constructed perpendicular to the shoreline and extending into the water.
- A shoreline parallel retaining wall may be constructed on an upland site to assist in the creation and containment of the beach area.
- Beach areas and their associated retaining walls may extend across the entire width of a lot as long as they do not interfere with shoreline protection projects on adjacent lots and approval from adjacent lot holders is submitted.
- The width of the stairway down a retaining wall is not limited, so long as the primary route of access above and below the retaining wall complies with the six foot (6') route of access limit.

**5.3.5. Shoreline Adjacent Patios.** Within thirty feet (30') of the shoreline of a leased/subleased lot, a ground level sidewalk, ground level patio, ground level deck, or any combination thereof, may be constructed pursuant to the following specifications:

- The combined total size of all preexisting and new construction for these types of features may not exceed a total of three hundred square feet (300 ft<sup>2</sup>). Permitted routes of access which lead directly to a permitted facility will not be included in this measurement, except where those routes abut or pass through a permitted patio.
- Project features may include:
  - A sidewalk, six feet (6') in width or less, that parallels the shoreline from one side lot line to the other. Any access route lying parallel to the shoreline is included in the area calculation
  - Patios or decks which shall be located no closer than ten feet (10') from the side lot lines.
- Permanent features measuring no more than eighteen inches (18") in height and twenty square feet (20 ft<sup>2</sup>) may be incorporated into the design and area calculation of a ground level patio constructed within the lakefront lot setback area, e.g. permanent fire pits, bench seating, etc.

#### **5.4. Common-Use SWAF.**

- SWAF that serves more than one lot or parcel adjacent to or on Central's Property are Common-Use SWAF.
- Common-Use Water-Based SWAF shall comply with these specifications except that an additional six hundred square feet (600 ft<sup>2</sup>) shall be added for each additional lot served to the one thousand two hundred square foot (1200 ft<sup>2</sup>) Water-Based SWAF size limit.
- Common-Use Land-Based SWAF shall comply with these specifications except that an additional 100 ft<sup>2</sup> shall be added for each additional lot served to the 300 ft<sup>2</sup> Shoreline adjacent patio size limit.
- Common-Use SWAF may be placed within the setback area of the adjoining lots sharing the facility.

#### **5.5. Items Specific to Adjacent Landowners.**

- Permits for SWAF shall be considered for those adjacent landowners only where Central has obtained necessary rights on the lands of the adjacent landowner applicant as determined by Central.
- Central may require the adjacent landowner applicant 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.
- Central may condition a permit for a facility on the adjacent landowner applicant meeting specific shoreline stabilization or other protection requirements.

## **6. DWELLINGS, ADDITIONS TO DWELLINGS, AND RELATED IMPROVEMENTS (DWEL) SPECIFICATIONS.**

**6.1. DWEL General Conditions.** These specifications apply to the construction, addition to, or the major repair of Dwellings and Related Improvements within lands owned by Central. 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. The following are the construction and use requirements for Dwellings and Related Improvements on each of Central's leased residential areas.

### **6.2. Construction Setbacks.**

#### **6.2.1. Lot Line Setbacks.**

- All Dwellings and Related Improvements attached to or anchored to the ground, when lot lines are commonly shared by tenants or subtenants of Central, shall be located no closer to the lot boundary than four feet (4') horizontal, or ten percent (10%) of the width of the lot at the point of construction, whichever is greater, but not to exceed twenty feet (20').
- When lot lines are not shared in common (where there is no adjacent lot) the lot line setback shall be four feet (4').
- Storage sheds and ancillary structures related to Dwellings shall be located no closer than four feet (4') horizontally from the lot line and must be constructed in a manner by which they can be easily relocated, removed if required, or otherwise be portable in nature, i.e. constructed on skids.
- No newly created abrupt vertical change in elevation is allowed on a lot's boundary or within a lot's side setback that would prohibit the safe passage of construction equipment used for the future maintenance or repair of features from the rear of a lot to the front of the lot, as determined by Central.

#### **6.2.2. Shoreline Setbacks.**

- All Dwellings and Related Improvements on lots adjacent to a shoreline shall be located no closer to the adjacent lake's shoreline than is allowed for in Appendix A.
- Additions to existing buildings may be allowed within the denoted shoreline setback provided such additions are located to the rearward side of an existing building.

#### **6.2.3. Roadway Setbacks.**

- All Dwellings and Related Improvements, which in Central's opinion would create a visual obstruction, shall be located no closer than twenty feet (20') horizontally from a roadway.
- All Dwellings and Related Structures shall be located no closer than ten feet (10') from an alley.
- Gable ends or eaves may extend over the roadway setback, provided that they do not cause a visual obstruction.

- Examples of items which may be placed within ten feet (10') of a roadway include mailboxes and items less than eighteen inches (18") in height such as landscaping features and ornamental plantings.

**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 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. Storm Shelters, Basements, and Below Grade Construction.**

- The lowest opening to a Dwelling is limited based on elevations listed in Appendix B.
- The finished floor of a below grade livable area may not be below the OHWM elevation of the respective waterbody.
- Non-livable areas may be constructed with the floor below the respective waterbody's elevation limitation (as found in Appendix B) provided that the area is not used for or could not be easily converted to use for livable purposes. Examples of non-livable areas are crawl spaces with less than six and one half feet of head clearance, limited size mechanical rooms, or tornado shelters. Ventilation windows are allowed to be installed in such areas to provide natural lighting and prevent mold.

**6.6. On Grade Features.** Paved on grade features (e.g. sidewalks, patios, parking areas and garage approaches) located greater than thirty feet from the shoreline may be constructed within a lot's boundaries. Proper drainage of water must be part of the design for any on grade features.

**6.7. 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.

**6.8. Below Grade Features.** Septic systems and water wells are regulated by the State of Nebraska. Proof of compliance with State standards will be required during the application process.

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

Privately owned below grade utilities, i.e. electrical service, water lines, sewage systems, etc., may be allowed within the boundaries of the lot. 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.

## **6.9. Other Improvements on a Lot.**

**6.9.1 Fences.** Fences are permitted to be built on leased/subleased lots as follows:

- Fences may be located on or within a lot's boundary up to the protected Viewshed of an adjacent lot, except that privacy fences no taller than seventy-two inches (72") may be placed no closer to the shoreline than the shoreward corner of a Dwelling on a lot and of any Dwelling on an adjacent lot.
- Lakeview Acres. 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.

**6.9.2. Flagpoles.** Flagpoles may be erected within a lot's boundaries so long as they do not cause an undue nuisance, as determined by Central. Flagpoles within thirty feet (30') of a shoreline may fly no more than two (2) flags with the individual flag dimensions limited to a size of no greater than three feet high by five feet long (3' x 5')

**6.9.3. Hard Landscape Features.** Landscape mow edges and/or curbing, less than or equal to eight inches (8") in height above ground level and twelve inches (12") in width may be placed at any location within the lot's boundaries.

## **7. EROSION CONTROL STRUCTURES (ECS) SPECIFICATIONS.**

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

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

### **7.2. ECS for Shoreline Protection.**

**7.2.1. General Requirements.** The following specifications are for 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.

**7.2.2. Zone of Protection.** At a minimum, shoreline protection projects will be constructed in conformance with federal regulatory requirements. 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. 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.** Newly constructed Erosion Control Structures may be required to utilize filter fabric.

**7.2.4. Riprap – Stone and/or Broken Concrete.** Riprap material must consist of clean broken concrete, rock, or similar manufactured material of sufficient size and shape to withstand wave action unique to the specific location. Riprap shall be angular in shape to allow interlocking between the various rock sizes, and on average, be large enough to be immovable by anticipated waves. Construction debris (i.e., lath, plaster, brick, asphalt, scrap iron, etc.) is not allowed to be any part of the riprap.

**7.2.5. Riprap Slope.** Riprap shall be placed in a manner so that the exposed surface is placed at a slope of one-foot vertical for every one-foot horizontal (1V:1H) or less. Less steep slopes, ranging to one-foot vertical for every three feet horizontal (1V:3H), may be required if determined by Central or if past slopes of higher degrees have been attempted and failed.

**7.2.6. Riprap Placement.** No objectionable, hazardous, or unsightly projections above the general project surface will be permitted. After placement, all protruding reinforcing bar, steel and wire mesh shall be removed from the surface of the broken concrete riprap.

**7.2.7. Seawalls.** Seawalls must be structurally tight and placed into the lakebed to a depth sufficient to prevent the undercutting of the structure.

**7.3. ECS on Upland Sites.** The following specifications are for the construction and maintenance of retaining walls.

**7.3.1. Retaining Walls.** 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. Retaining walls will be permitted on a case-by-case basis dependent on site conditions, safety, and environmental factors.

**7.3.2. Location.** Retaining walls are allowed 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.

**7.3.3. Routes of Access.** Shoreline routes of access may be incorporated into the design of a retaining wall. The width of a stairway leading through or adjacent to a retaining wall is not limited, so long as the primary route of access above and below the retaining wall complies with the six foot (6') route of access limit.

**7.3.4. Maximum Height.** The maximum height of any single portion of a retaining wall shall be four and one half feet (4 ½') as measured from the lowest point of the grade adjacent to the retaining wall.

**7.3.5. Spacing.** Multiple retaining walls may be built provided that a horizontal spacing equaling or exceeding the adjacent wall height is maintained between the individual walls. Adequate spacing and access must be provided when retaining walls are constructed in the proximity of a shoreline to provide access for future maintenance of existing or future shoreline protection features.

**7.4. Sand Fences.** Sand fences are used to prevent windblown sand from impacting structures and property by forcing it to settle into a desired place downwind of the fence's location. Permanently installed sand fences shall require a permit and must comply with the following guidelines:

**7.4.1. Height.** The height of the sand fence shall be no greater than two feet (2') above the adjacent ground.

**7.4.2. Placement.** Written approval must be obtained by adjacent neighbors if the fence is within the protected Viewshed of neighboring properties.

If neighbor approval cannot be obtained, this type of structure may be allowed to be placed in sleeves set into the ground and removed on a seasonal basis from late summer, during drawdowns through to early spring.

## **8. VEGETATIVE MODIFICATION SPECIFICATIONS**

**8.1. Tree or Shrub Trimming or Removal.** Permits are required for the trimming or removal of trees and shrubs occurring on Central's property between April 1 through August 15.

**8.1.1.** A tenant or subtenant may apply for a permit to trim or remove any tree species. The modification or removal of vegetation shall be no greater than necessary to accomplish the intended purpose.

**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 other permitted construction.

**8.2. Tree and Shrub Planting.** Tree and shrub planting may be permitted within a lot's boundaries.

**8.2.1.** Neighbor approval is required when the 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 ( $\frac{1}{2}$ ) of the tree's anticipated canopy diameter at maturity, or
- Within a lot's setback zone between adjacent structures.

**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 and/or Excavating below the OHWM.** Dredging or excavating below a lake's OHWM will require sufficient buffer distances to ensure no adverse impacts to the wetland. Dredging, excavating and filling activities within wetland areas are prohibited. Dredging and/or excavating below the OHWM are regulated by USACE.

**9.2. Filling Below the OHWM.** Placing fill below the OHWM is prohibited with the exception of only the minimum amount of fill necessary for the proper design and installation of a permitted Erosion Control Structure or SWAF. All fill material must be free of debris or pollutants. Filling below the OHWM is regulated by USACE.

**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.**

**10.1. FISH General Conditions.** These specifications apply to the construction, placement, and maintenance of artificial structures to enhance fish habitat. An applicant must be a tenant or subtenant of Central to receive a permit to place fish attractors.

**10.2. Placement.** The following guidelines pertain to the placement of fish attractors:

- Must be located within forty feet (40') of the shoreline adjacent to the lot.
- Must be located no closer than ten feet (10') from a line that represents a reasonable extension of the lot lines into the water body.
- Structures placed within the first ten feet (10') from the shoreline shall be submerged a minimum of one foot (1') below the normal lake elevation.
- Structures 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

**10.3. Safety.** No fish attraction structure shall be allowed to be placed in a manner which may create an adverse effect on navigation or boating safety. All structures shall be properly anchored and maintained so as to prevent the movement of the structure or any materials thereof from the authorized site.

## APPENDIX A

<b>CONSTRUCTION SETBACKS ON LAND LEASED FROM CENTRAL</b>				
Lake/Area/Classification			Shoreline Setback	Additional Restrictions
<b>McConaughy</b>	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	50'	-Additions to existing buildings may be allowed within the setback provided such additions are located to the rearward side of the existing building.
	K-2	16-20		
	K-4	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		
<b>Jeffrey Lake</b>			30'	-Lake/area association policies may be more restrictive.
<b>Central Midway Lake</b>			30'	
<b>Glen Young Lake</b>			30'	
<b>Plum Creek</b>			50'	-Lake/area association policies may be more restrictive.
<b>Knapple</b>			50'	
<b>Phillips</b>			50'	
Existing agreements that are more restrictive supersede these restrictions.				

## APPENDIX A - Continued

CONSTRUCTION SETBACKS ON LAND LEASED FROM CENTRAL - CONTINUED			
Johnson Lake			
Area	Shoreline Setback	Notes	
Bass Bay	50'		
Bullhead Point	30'	Tier 1, 2, & 3 lots	
Crappie Corner	50'		
Dry Bay	50'		
East Shore	50'		
Idle Hours	50'		
Kirby Point	50'		
Lakeview Acres	NA		
Mallard Beach	Section 1	50'	
	Section 3	50'	
	Section 4	50'	
	Section 5	50'	
	Section 6	50'	
	Section 7	50'	
	South Bay	40'	Enclosed Structures
	30'	Structures w/o walls, i.e. awnings, covered porches, etc.	
Mallard Cove	Section E	30'	With consent of Area Association
	Section D	50'	
	Section C	50'	
		50'	
Merriweather	50'		
North Cove	50'		
North Point	50'		
North Shore	50'		
Northeast Bay	50'		
Northeast Cove	50'		
Pelican Bay	50'		
Perch Bay	50'		
Perch Bay Addition	50'		
Sandy Point	40'	All lots	
	30'	With consent of Area Association	
South Crappie Corner	50'		
<p>-Lake/area association policies or binding agreements may be more restrictive.</p> <p>-All buildings and related appurtenances shall be located on the lot no closer than the horizontal setback.</p> <p>-Decks and patios with roofs shall be located on the lot no closer than the appropriate shoreline setback.</p> <p>-The upslope edge of the deck structure located between thirty feet (30') and fifty feet (50') from the shoreline may be no more than eighteen inches (18") above grade level.</p>			

## APPENDIX B

<b>ELEVATION LIMITS FOR PURPOSES OF THESE PERMITTING PROCEDURES RELATING TO LOTS LEASED OR SUBLEASED FROM CENTRAL:</b>				
Lake / Reservoir	FERC Lake Limit	Lowest Living Elevation	Lowest Adjacent Grade	Lowest Building Opening
McConaughy	3,265.0	3,282.0	3,282.0	3,282.0
Jeffrey	2,760.0	2,760.0	2,762.0	2,763.5
Central Midway	2,632.3	2,630.0	2,634.3	2,635.8
Glen Young	2,631.8	2,629.5	2,633.8	2,635.3
Plum Creek	2,630.4	2,627.5	2,632.4	2,633.9
Johnson	2,621.0	2,618.0	2,622.0	2,623.5
Knapple	2,509.0	2,505.0	2,511.0	2,512.5

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 made in accordance with Central's ***Construction and Shoreline & Water Access Permitting Procedures for Tenants, Subtenants, and Adjacent Landowners***. 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 /year +\$200 admin fee	\$100 admin fee	\$200 / year +\$500 admin 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
Modification or Removal of Vegetation	\$0	\$200 admin fee†	\$25 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
Improvements Requiring F.E.R.C. Approval	Variable admin fee	Variable annual fee + variable admin fee	\$500 + variable admin fee	Not Allowed

- 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.

† Fee may be waived for the removal of noxious, invasive, or non-native species from District property if it 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 1<sup>st</sup> through August 15<sup>th</sup>.
- Pesticides – No broadcast pesticide applications allowed from April 1<sup>st</sup> through August 15<sup>th</sup>.
- Beach Maintenance – No disturbance activities (disking, dragging, grading, tree cutting, etc.) allowed from April 1<sup>st</sup> through August 15<sup>th</sup>.
- Fireworks – No fireworks allowed on beaches from April 1<sup>st</sup> through August 15<sup>th</sup> unless authorized by annual special permit.
- Dogs – Dogs shall be on leash at all times when on beaches from April 1<sup>st</sup> through August 15<sup>th</sup>.

#### **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 1<sup>st</sup> through October 31<sup>st</sup> unless:
    - a. The area has been mowed to maintain a vegetation height of less than 2 inches for 48 days prior to disturbance, and
    - b. 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 1<sup>st</sup> through August 15<sup>th</sup>.

#### **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.