

EFFECTIVE DATE: April 14, 2008

EXPIRES: April 14, 2013

FILE NO. _____

REGIONAL PERMIT **08-RP-01**

DEPARTMENT OF THE ARMY REGIONAL PERMIT
(Dock Structures and Associated Activities on TVA Lakes)

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), this Regional Permit (RP) authorizes you to construct private fixed and/or floating dock facilities, steps leading to the lake, walkways leading to dock facilities, water intakes and geothermal heat exchange units attached to dock facilities, and single boat mooring buoys as shown on the attached plans and provided the work is accomplished and maintained in accordance with the terms and general and special conditions specified below.

GENERAL CONDITIONS.

1. This permit is not valid until approval from the Tennessee Valley Authority (TVA) has been obtained. No construction may commence until TVA has approved the work, in accordance with the TVA Act
2. The work must be completed within five years of the date of issuance of the RP.
3. The facilities must be maintained in good condition and in conformance with the terms and conditions of the RP. This permit may be revoked by the Corps with written notice if : (a) the structure is not completed in accordance with approved plans; (b) if in the Corps judgment, the structure is not maintained as provided herein; the structure is abandoned; (c) the structure or work must be altered to meet the requirements of future reservoir management operations of the US; (d) the Corps finds that the structure has an adverse effect upon navigation, flood control, or public lands or reservations; or (e) the TVA notifies the Corps that they have revoked approval for any reason. If this permit is revoked, you may be required to remove the structure within 30 days, at your expense.
4. Prior to commencement, the work authorized herein must be approved by TVA. It is the permittee's responsibility to obtain any other federal, state, or local approvals required for the work.
5. If any previously unknown historic or archaeological remains are discovered while accomplishing the activity authorized by the RP, the permittee must stop work and immediately notify this office. This office will initiate federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
6. The facilities shall not effect threatened or endangered species, as identified under the Endangered Species Act, or endanger the habitats of such species. Disturbance to riparian vegetation shall be kept to a minimum.
7. The work must not cause an adverse impact on navigation and must not interfere with the public's right to free navigation on all navigable waters of the United States.
8. Representatives of the Corps must be allowed to inspect the authorized activity at any time deemed necessary to ensure that work is accomplished in accordance with the terms and conditions of the RP.

SPECIAL CONDITIONS.

1. Structures shall not be located in sections of the river with navigation restrictions; such as within TVA designated navigational restricted sections of the river or in a narrow section of the river or outside of river bends or close to the navigation channel if an adverse effect on navigation is likely to occur.
2. Private dock structures constructed for permanent boat moorage shall be limited to a maximum size of 1,800 square feet displaced water surface area (open slip area is included in the area; steps and walkways are not included in area). Sundecks, fishing docks and piers shall be limited to 500 square feet of displaced water surface area. If the action is a rehabilitation or expansion, then the size of existing plus the proposed structure shall be included in the computation of the total area. Steps and walkway structures shall not exceed 6-feet in width. Structures shall be constructed of quality materials and encased styrofoam must be used for flotation; e.g., barrels, drums, etc., are not authorized.

3. The total length of the dock plus walkways connecting the dock to the shoreline shall not extend into the waterway more than one-third the distance from the minimum pool shoreline to the opposite shoreline, or 150 feet, whichever is the lesser distance.

4. Water Intake lines must not exceed 3-inches in diameter and disturbance to riparian vegetation must be limited to the minimum needed to install the lines. If needed to protect navigation interests, a sign with the word "intake" must be posted on the bank of the river and/or a standard hazard buoy (with a sign attached to the buoy) shall be installed to warn boaters of the underwater obstruction. The Corps will notify the permittee if a sign is required.

5. Structures permitted may be subject to damage by wave wash from passing vessels. The issuance of this RP does not relieve the permittee from taking all proper steps to insure the integrity of the structures and the safety of boats moored thereto from damage by wave wash and that the permittee shall not hold the United States liable for any such damage.

FURTHER INFORMATION:

1. Limits of this authorization.

a. This permit does not obviate the need to obtain other federal, state, or local authorization required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project. The permittee understands and agrees that, if future operations by the US require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the US. No claim shall be made against the US on account of any such removal or alteration.

2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the US in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

3. Reliance on Applicant's Data. The determination of this office that your work meets the criteria for authorization by this permit was made in reliance on the information you provided.

4. Reevaluation of your activity. This office may reevaluate its decision that your activity is authorized by this permit at any time the circumstances warrant. Circumstances that could require reevaluation include, but are not limited to, (a) You fail to comply with the terms and conditions of this permit; (b) The information provided by you regarding the activity proves to have been false, incomplete, or inaccurate; or (c) Significant new information surfaces which this office did not consider in reaching a decision that your work meets the criteria for authorization under this permit.

5. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEEE)

(DATE)