



Yadkin Project Shoreline Management Plan (FERC No. 2197)

Appendix E: Specifications for Private Recreation Facilities at High Rock and Narrows Reservoirs

I. General

- A. These Specifications of Cube Yadkin Generation LLC (Cube) apply to private recreation facilities for either a single lot or two adjoining lots. All other private or public recreation facilities are governed by the Yadkin Project Subdivision Access Approval, Multi-Use Facility Permitting, and Industrial Approval Procedures.
- B. Cube permits private recreation facilities on High Rock and Narrows reservoirs only. No private facilities are permitted on Tuckertown or Falls reservoirs. The only new facilities permitted are piers, and no new private recreation facilities of other types, such as boat launch ramps or boat houses, are permitted. Generally, a private recreation facility is considered “new” if the applicable County’s building permitting department indicates that the building code defines the facility as new. Based on the requirements set forth in these Specifications and in the Yadkin Project Shoreline Stewardship Policy (Stewardship Policy), not all lots adjacent to High Rock and Narrows reservoirs will be eligible for a private pier.
- C. These Specifications should be read in conjunction with the Stewardship Policy, which outlines the rights and responsibilities of Cube and other stakeholders along the reservoirs.
- D. Property owners whose property adjoins High Rock or Narrows reservoirs or the Cube-Managed Buffer¹ (adjoining property owners) must obtain a written construction permit before starting to construct a new pier. An onsite meeting between the adjoining property owner and a Cube representative is mandatory before Cube will issue a construction permit. Modifications (reconstruction, additions, expansion, etc.) to existing piers also require a written construction permit from Cube. Repairs to an existing pier that require a building permit from the applicable County also require a written construction permit from Cube. Additional guidance may be obtained from Cube upon request.

¹ Property managed by Cube includes the land below waters of the reservoirs and the generating facilities. In addition, there are shoreline areas along the Project reservoirs owned and managed by Cube. Often ownership of these shoreline parcels is to a specific elevation contour and, therefore, the width of these parcels can vary considerably. Collectively, these strips of shoreline property, up to 100 feet from the Project Boundary, are considered “Cube-Managed Buffer.” In other areas, Cube owns shoreline property that extends back from the water a considerable distance. In these areas, the first 100 feet of shoreline property from the normal full-pool elevation of the reservoirs is also considered “Cube-Managed Buffer.” All other Cube lands more than 100 feet from the Project Boundary are referred to as “Cube-Managed Lands.”

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- E. Once constructed, private piers require a private recreation facility permit from Cube. Private recreation facility permits extend from May 1 through April 30 and must be renewed annually.
- F. All other activities undertaken in the reservoirs or along the shoreline within the Federal Energy Regulatory Commission (FERC)-licensed Project boundary (Project Boundary) or on the Cube-Managed Buffer, including installation or maintenance of shoreline erosion control measures, pathways, **sitting areas**, utilities, or irrigation equipment; vegetation removal; and excavation require a written activity permit from Cube before work begins. An on-site meeting between the adjoining property owner and a Cube representative is mandatory before Cube will issue a written activity permit. See the Stewardship Policy for procedures and requirements related to activity permits. In some cases, the permission for other activities may be included in a construction permit or private recreation facility permit.
- G. Private recreation facility permits, construction permits, and activity permits are of limited duration and are terminable by Cube according to the terms of the permit and as provided in Section VI below. To help defray the cost of administration, Cube charges a separate fee for each type of permit. A list of current fees may be obtained from Cube.
- H. All new construction, modifications, repairs, vegetation removal, or other activities undertaken must be done in compliance with these Specifications, the Stewardship Policy, and the terms of the construction or activity permit. The adjoining property owner is responsible for correcting or removing any structures, facilities, or activities that were not explicitly authorized in the written permit from Cube.
- I. An adjoining property owner applying for a construction permit, private recreation facility permit, or activity permit can arrange an onsite meeting with a Cube representative by contacting Cube in writing at 293 NC 740 Highway, Badin, NC 28009 or by phone at 704-422-5555. The adjoining property owner (applicant) should be prepared to provide the following information: Name, address, telephone number, development (subdivision), section, lot number, tax map, parcel number, and reason for the call. If you have a question, please contact a Cube representative.
- J. An on-site visit between the adjoining property owner and a Cube representative is mandatory before Cube will issue a construction permit for a new pier. During the on-site visit for a new pier, Cube will make a general inspection of the planned pier site. Cube will check the location of the planned pier with respect to known archaeological sites to determine that no known sites are located in close proximity to the proposed pier location. If there is a known archaeological site proximate to the location of the planned pier site, Cube will consult with the North Carolina Department of Cultural Resources (NCDRC) to determine what measures should be taken to protect the known site. Cube will also make a general survey of the site to determine the presence of important environmental resources. In cases where there are unique or important environmental features proximate to the site, Cube may choose to consult with the North Carolina Wildlife Resources Commission (NCWRC) to determine what measures can be taken to protect the resource(s).

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- K. All adjoining lots under common deed, for use as a single residence, are considered to be one lot.
- L. The adjoining property owner's house must be under roof before a construction permit will be granted.
- M. Piers must not interfere with navigation, ingress, or egress to adjoining properties or in any manner present a safety hazard and must be consistent with the Stewardship Policy and other environmental values of the Project.
- N. Private piers and other facilities permitted by Cube are not to be used for docking or mooring seaplanes (or other aircraft) or houseboats.
- O. The Cube private recreation facility permit number must be displayed somewhere on, or in close proximity to, the permitted facility such that the permit number is clearly visible from the water.
- P. These Specifications may be revised by Cube from time to time and the revisions will be effective when reissued.
- Q. Cube has endeavored to make these Specifications clear and useable for adjoining property owners. However, from time to time there may be questions regarding interpretation of these Specifications or matters not specifically addressed by these Specifications. These will be resolved by Cube giving due consideration to the underlying goals reflected in these Specifications as well as the Yadkin Project Shoreline Management Plan (SMP) as approved by FERC.

II. Existing Recreation Facilities

A. Facility Specifications

1. Existing, permitted private recreation facilities including piers, shared piers, boat houses, and launch ramps that pose no environmental or public safety hazards are "grandfathered" and are allowed to remain in place, as the facilities existed on July 1, 1999 together with any subsequent modifications or repairs approved by Cube pursuant to a written construction permit or repairs not requiring a county building permit, so long as (i) the owners comply with their current permit, the Stewardship Policy, and all other applicable Cube procedures and requirements, and (ii) the facilities are maintained in good repair and comply with all applicable State and local health and safety requirements. A written construction permit from Cube is required for the modifications and repairs to existing "grandfathered" facilities. Additional guidance may be obtained from Cube upon request.
2. Adjoining property owners with an existing permitted pier that does not meet the standards outlined in II.A.1, above, must correct the condition or remove the existing pier. Any replacement structure must conform to the design specifications for new piers.

3. An adjoining property owner with an existing permitted boat house and/or launch ramp that does not meet the standards in II.A.1, above, may be required to remove the facility. If the boat house or launch ramp that must be removed is the only boat access facility associated with that property, the adjoining property owner will be allowed to replace it with a new pier that conforms to the design specifications for new piers.
4. An adjoining property owner either (i) seeking to replace or rebuild an existing permitted pier, or (ii) seeking to replace an existing permitted boat house or launch ramp with a permitted pier, must comply with these Specifications but is exempt from minimum lot width, water depth, and cove width requirements for new piers.

B. Permit Transfer

1. Current private recreation facility permits are transferable, so long as (i) the facilities have been maintained in good repair and comply with all applicable State and local health and safety standards, (ii) the current property owner (seller) has complied with the current permit, the Stewardship Policy, and all other applicable Cube procedures and requirements, and (iii) the new property owner (purchaser) has signed a new private recreation facility permit.
2. Prior to the sale or transfer of adjoining property, the seller or the seller's agent must contact Cube to request a permit transfer. Upon request, Cube will arrange a site visit. If (i) the facilities are determined to be in good repair and in compliance with all applicable State and local health and safety requirements, (ii) the seller has complied with the current permit and all applicable Cube procedures and requirements, and (iii) all fee payments are up to date, Cube will provide the seller or seller's agent with a form to request transfer of the permit. In order for the transfer to be effective, the applicable transfer fee must be paid and a new private recreation facility permit must be completed and signed by the purchaser at the time of closing. If the facilities are deemed not transferable, Cube will provide the seller or the seller's agent with a written description of repairs (up to and including replacement of the existing structure with a compliant pier) or other actions that must be undertaken before the facilities will be transferable.

III. New Recreation Facilities

All new private piers, including replacement structures, must meet the following specifications. Construction of new launch ramps, boat houses, sun-decks, and other "on-pier" structures, other than conforming boat lifts, **boat lift covers, and on-pier gazebos/shelters** is not permitted.

A. Individual and Shared Piers

1. Lot Width — The adjoining property (applicant's lot) must have a minimum shoreline lot width of 200 feet as measured by extending the adjoining property owner's side lot lines to the normal full-pool elevation of the reservoir (**623.9-foot contour (USGS datum)**, 655.0-foot contour (Yadkin datum) on High Rock Reservoir and **509.8-foot contour (USGS**

datum), 541.1-foot contour (Yadkin datum) on Narrows Reservoir). For subdivisions developed prior to May 1, 1987, an individual pier may be granted for a lot with a minimum shoreline width of **50** feet (as measured above) **provided Cube's other minimum eligibility requirements are satisfied.**

2. Water Depth — Piers must be constructed such that they have access to a minimum water depth of **6** feet within 75 feet of the shoreline as measured from the normal full-pool elevation of the reservoir (**623.9-foot contour (USGS datum)**, 655.0-foot contour (Yadkin datum) on High Rock Reservoir and **509.8-foot contour (USGS datum)**, 541.1-foot contour (Yadkin datum) on Narrows Reservoir).
3. Cove Width — Piers cannot be located in coves less than 100 feet in width at normal full-pool elevation, and piers may not extend more than 25% of the width of the cove at normal full-pool elevation.
4. Piers with Floating Sections — **The pier must have a floating section for ingress/egress to watercraft.** The remainder of the pier **may include** stationary and ramp sections.
5. Private Individual **or Shared** Pier Dimensions:
 - i. Total maximum pier length — 75 feet **or 25% of the width of a cove at normal full-pool elevation. Cube may require the pier to be less than 75 feet in total length for purposes of safety, navigation, and ingress/egress.**
 - ii. **Total maximum square footage — 1,100 square feet (for an individual or shared pier)**
 - iii. Stationary Section
 - a. Maximum width — **12 feet**
 - b. Minimum width — 5 feet
 - iv. Floating Section
 - a. Minimum total area — 144 square feet
 - v. Ramp Section (**the following only apply if the ramp is constructed of pressure treated lumber**)
 - a. Minimum width — 4 feet
 - b. Maximum width — 6 feet
 - c. Maximum length — 16 feet
6. Pier Location — A pier will be located as near as possible to the middle of the applicant's lot(s), and the pier should not encroach across the extended adjoining property owner's side lot lines. In cases where there is aquatic vegetation (e.g., water willow) present along the shoreline adjacent to the applicant's lot, piers must be located as far from the vegetation as possible without encroaching on the neighboring property. In cases where piers cannot be located away from aquatic vegetation, piers must meet the criteria described in Section IV, below.
7. Pier Construction — Piers must be constructed of pressure-treated lumber and pilings, grade marked by the American Wood Preservers' Bureau. **Proposals to use materials**

other than pressure treated lumber will be reviewed on a case-by-case basis and may require approval of a Material Safety Data Sheet (MSDS) from the material manufacturer and written approval from Cube. The construction permit will constitute written approval from Cube. Other materials must meet the standards cited in these Specifications and must be installed according to manufacturer's specifications. Only manufactured plastic-encased floatation devices will be permitted as floatation. All piers must meet all applicable **County and State** building codes.

8. Handrails — Handrails are required on stationary and walkway ramp sections of pier and must meet North Carolina State Building Code Standards.
9. Reflectors — 2-inch minimum diameter blue colored reflectors must be placed at 10-foot intervals along all sides of the pier.
10. Boat Lifts —
 - i. Boat lifts must be mounted on the floating portion of a pier. **If the boat lift is located inside of a boat slip, the lift may have supports resting on the reservoir bottom, so long as the area affected is incorporated into the total allowable maximum pier footprint.**
 - ii. **Boat lift covers must be pre-fabricated and designed specifically for piers.** Covers can be no more than 10 feet in height above the deck and can be used to cover the area of the boat slip only. **No asphalt roofing material will be allowed.**
11. On-Pier Structures — Gazebos/shelters may be installed over the stationary section of the pier provided the overall square footage of the structure does not exceed 240 square feet. Such structures must be open-sided (not screened). The roof pitch should be no more than 3/12, with the bottom of the outer edges of the roof no less than seven feet above the pier surface to allow for boater visibility through the structure. **No asphalt roofing material will be allowed. All applicable County and State building requirements must be satisfied. No decks, sitting areas, or other on-roof structures will be permitted on the gazebo/shelter.**
12. Plans must be submitted for each proposed pier. Cube reserves the right of final approval or denial of any proposed pier design.
13. Shared pier applicants are individually and jointly responsible for compliance with these Specifications, the Stewardship Policy, and all other applicable Cube policies, procedures, and requirements. Failure of one applicant to comply therewith may render both lots ineligible for a shared pier and subject to other enforcement, as provided in Section VI, below.

B. Electrical Installation

1. All electrical installations on piers must meet all applicable County and State codes governing electrical installations and the additional requirements set by Cube below.

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2. Installation. All work must be inspected and approved by the applicable County Inspections Department.
3. Any wiring across the Cube-Managed Buffer or other Cube-Managed Lands must be underground, in conduit, and should follow the access pathway. Ground fault interrupters cannot be located on the Cube-Managed Buffer or on other Cube-Managed Lands.
4. Service Pole
 - i. Service poles cannot be set below the normal full-pool elevation of the reservoir (623.9-foot contour (USGS datum), 655.0-foot contour (Yadkin datum) on High Rock Reservoir and 509.8-foot contour (USGS datum), 541.1-foot contour (Yadkin datum) on Narrows Reservoir).
 - ii. Minimum size service pole must be 6-inch square or 6-inch diameter, 12 feet high, and anchored at least 3 feet in the ground.
 - iii. Preservative-treated wooden posts must be grade-marked by the American Wood Preservers' Bureau.
5. Shoreline Breaker Box Height — Must be no less than 5 feet above the 623.9-foot contour (USGS datum), 655.0-foot contour (Yadkin datum) on High Rock Reservoir and 509.8-foot contour (USGS datum), 541.1-foot contour (Yadkin datum) on Narrows Reservoir.
6. Receptacle Height —
 - i. On Pier — minimum 3 feet above the deck on floating section, 5 feet on stationary section.
 - ii. On Service Post — minimum 5 feet above the 623.9-foot contour (USGS datum), 655.0-foot contour (Yadkin datum) on High Rock Reservoir and 509.8-foot contour (USGS datum), 541.1-foot contour (Yadkin datum) on Narrows Reservoir.
7. Lighting —
 - i. Light poles must be preservative-treated posts, grade-marked by the American Wood Preservers' Bureau.
 - ii. Lights on poles must be at least 12 feet above the ground. Lights on poles mounted on piers must be at least 8 feet above the deck.
 - iii. Fixtures and lights shall not be mounted to extend beyond the outer perimeter of the pier.
 - iv. All lighting must be aimed downward.

IV. Aquatic Vegetation

- A. Cube prohibits the removal or destruction of aquatic vegetation growing in the reservoirs or along the immediate shoreline at or below the normal full-pool elevation of the reservoir (623.9-foot contour (USGS datum), 655.0-foot contour (Yadkin datum) on High Rock

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Reservoir and 509.8-foot contour (USGS datum), 541.1-foot contour (Yadkin datum) on Narrows Reservoir). Aquatic vegetation provides very important habitat for fish and other aquatic life forms and must not be cut, removed or any way harmed by adjoining property owners.

- B. Consistent with NCWRC guidance, Cube may allow the construction of new piers in shoreline areas where there is aquatic vegetation present, so long as the pier conforms to the specifications set forth in the construction permit and the adjoining property owner complies with the terms of an Aquatic Vegetation Agreement, which must be signed before a private recreation facility permit will be issued. In that Agreement, the adjoining property owner must assume responsibility for the health and viability of the aquatic vegetation beds in front of the lot, and if it is later determined that, due to unnatural causes, more than 25% of the aquatic vegetation bed has been lost, the private recreation facility permit will terminate and the pier must be removed. A copy of the Agreement may be obtained from Cube upon request.
- C. Cube may, from time to time, grant written approval for the removal of certain forms of non-native, nuisance aquatic plants. This approval will only be granted with the concurrence of the NCWRC.

V. Eligibility for Private Piers

- A. Lots must meet the minimum lot width, water depth, and cove width specifications outlined in Section III.A, above.
- B. As explained in detail in the Stewardship Policy, adjoining property owners in new subdivisions platted and recorded on or after July 1, 1999, must maintain a 100-foot forested setback.
- C. Lots in certain subdivisions on Narrows Reservoir, including lots in the Uwharrie Point and Heron Bay subdivisions, are already subject to a 100-foot building setback requirement and tree removal restrictions (known as the “6-inch rule”) established pursuant to the Bald Eagle Management Plan (BEMP) for Narrows Reservoir. These existing requirements continue to apply to these lots, except as otherwise provided for in the Stewardship Policy.
- D. In order for a lot in a new subdivision to be eligible for a private pier, the subdivision developer must have satisfied Cube’s applicable Environmental Assessment (EA) or Agency Consultation Process requirements and obtained subdivision access approval as set forth in the Yadkin Project Subdivision Access Approval, Multi-use Facility Permitting, and Industrial Approval Procedures. In extraordinary circumstances, such as the bankruptcy of the developer, if the developer fails to complete an EA, Cube will consider other alternatives to completing an EA, consistent with the Yadkin Project Shoreline Management Plan.

VI. Enforcement

- A. One of the underlying goals of these Specifications is to protect and enhance the natural, environmental, cultural, and scenic resources within the Project Boundary and on the adjoining lands. Cube's highest priority is to preserve the natural character of the shoreline as it exists today, and this is reflected in the procedures and requirements of these Specifications as well as the Stewardship Policy. Cube believes that most adjoining property owners appreciate the beauty and importance of a natural shoreline and will comply with these Specifications. In those instances where violations of these Specifications occur, however, Cube will consider those violations as serious matters. Violations of these Specifications include: (i) any failure to comply with the provisions of these Specifications, the Stewardship Policy or other applicable Cube procedures or requirements; and (ii) failure to obtain or to comply with written permission from Cube, where required, before undertaking construction or other activities.
- B. The primary sanctions for violations of these Specifications are loss of eligibility for: (i) a private (individual or shared) recreation facility permit within the Project Boundary (i.e., on a reservoir); and (ii) use of, or private access to the Project lands and waters across, the Cube-Managed Buffer. Cube will also require corrective action including but not limited to restoration and/or mitigation. Eligibility may be reinstated only where adequate restoration and/or mitigation is undertaken and Cube determines that reinstatement of eligibility is otherwise consistent with the underlying goals reflected in these Specifications, the Stewardship Policy, and the Yadkin Project Shoreline Management Plan. Cube, as it deems appropriate, will consult with federal and State regulatory agencies in determining adequate restoration and/or mitigation measures.
- C. In addition, in the event of a violation of these Specifications, Cube, at its sole option, has the right to: (i) terminate any existing permits; and (ii) erect a barrier along the Project Boundary or across the Cube-Managed Buffer to restrict access to the Project lands and waters; and (iii) require, at the adjoining property owner's sole expense, (a) removal of any piers, pathways, or other facilities and structures located within the Project Boundary or on the Cube-Managed Buffer, and (b) restoration and/or mitigation, up to and including restoring Project lands and waters and the Cube-Managed Buffer to their original condition. In addition, if the adjoining property owner fails to take the required action after notice from Cube, Cube will consider any facilities and structures remaining within the Project Boundary or the Cube-Managed Buffer as a trespass upon its property, and reserves the right to, at the adjoining property owner's sole expense, remove the facilities and structures, treat them as its own property without any liability to the adjoining property owner for payment, and perform the required restoration and/or mitigation. Cube also may pursue any other rights or remedies, including damages, it may have in any permit, or at law or in equity.

VII. Activity Permits

Adjoining property owners seeking permission to undertake any activity in the reservoirs or on the Cube-Managed Buffer must obtain a written activity permit from Cube. The Stewardship

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Policy sets forth the requirements for these activities, including installation of private irrigation systems, vegetation removal, shoreline stabilization measures, and excavation.