

June 7, 2024

Revised Shoreline Management Plan Appendix E: Specifications for Private Recreation Facilities at High Rock and Narrows Reservoirs (Additions in **bold underlined text**; deletions in **~~bold strikethrough~~** text)



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 Yadkin) 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 Project Subdivision Access Approval, Multi-Use Facility Permitting, and Industrial Approval Procedures.
- B. Cube Yadkin 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. 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 Yadkin and other stakeholders along the reservoirs.
- D. Property owners whose property adjoins High Rock or Narrows reservoirs (adjoining property owners) must obtain a written construction permit before starting to construct a new pier. An on-site meeting between the adjoining property owner and a Cube Yadkin representative is mandatory before Cube Yadkin will issue a construction permit. Modifications and repairs of existing piers also require a written construction permit from Cube Yadkin. Modifications include any changes to the footprint, layout, or design of the structure. Repairs are defined as fixing or repairing something that is broken, in-kind. Certain minor repairs may not require a written permit from Cube Yadkin. Additional guidance may be obtained from Cube Yadkin upon request.
- E. Once constructed, private piers require a private recreation facility permit from Cube Yadkin. 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), 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 Yadkin before work begins. An on-site meeting between the adjoining property owner and a Cube Yadkin representative is mandatory before Cube Yadkin 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 Yadkin according to the terms of the permit and as provided in Section VI. To help defray the cost of administration, Cube Yadkin charges a separate fee for each type of permit. A list of current fees may be obtained from Cube Yadkin.
- 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 Yadkin.
- I. An adjoining property owner applying for a construction permit, private recreation facility permit, or activity permit can arrange an on-site meeting with a Cube Yadkin representative by contacting Cube Yadkin 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 Yadkin representative.
- J. An on-site meeting between the adjoining property owner and a Cube Yadkin representative is mandatory before Cube Yadkin will issue a construction permit for a new pier. During the on-site visit for a new pier, Cube Yadkin will make a general inspection of the planned pier site. Cube Yadkin will review the proposed site location to determine if any National Register of Historic Places listed or eligible sites, or unassessed properties (collectively “historic properties”) are located in close proximity to the proposed location. If no such sites or properties are present in the immediate vicinity, impacts to historic properties will be considered minimal and a permit can be approved. If there is a known or unassessed historic property near the proposed location, Cube Yadkin will consult with North Carolina Department of Natural and Cultural Resources (NCDNCR) to determine what measures, if any, should be taken to protect that property. Cube Yadkin will assess environmental impacts on a case-by-case basis, and resource avoidance or mitigation may be required. If Cube Yadkin determines that effects on natural resources may be significant, consultation with the North Carolina Wildlife Resources Commission (NCWRC) or other appropriate State or federal resource agency may be required.
- 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 Yadkin are not to be used for docking or mooring seaplanes (or other aircraft) or houseboats.
- O. The Cube Yadkin 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 Yadkin from time to time and the revisions will be effective when reissued.
- Q. Cube Yadkin 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 Yadkin giving due consideration to the underlying goals reflected in these Specifications as well as the Yadkin Project Shoreline Management Plan (SMP).

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 is, so long as (i) the owners comply with their current permit, the Stewardship Policy, and all other applicable Cube Yadkin procedures and requirements, and (ii) the facilities are maintained in good repair. Repair, as used here, means to fix or mend, not to change. Any structure or portion of a structure that Cube Yadkin deems to be posing a potential hazard to safety, navigation, or public health is a candidate for repair or removal. The determination of the need for repair or removal will be a judgment call on the part of a Cube Yadkin Representative. Any modifications to existing “grandfathered” facilities require a construction permit and must meet current specification for that facility type. Modifications include any changes to the footprint (horizontal or vertical), layout, design, or construction material.
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 modify or replace an existing permitted pier as outlined in II.A.1 and II.A.2, above, or (ii) seeking to replace an existing permitted boat house or launch ramp with a permitted pier as outlined in II.A.1 and II.A.3, above, 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, (ii) the current property owner (seller) has complied with the current permit, the Stewardship Policy, and all other applicable Cube Yadkin 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 Yadkin to request a permit transfer. Upon request, Cube Yadkin will arrange a site visit. If (i) the facilities have been maintained in good repair, (ii) the seller has complied with the current permit and all applicable Cube Yadkin procedures and requirements, and (iii) all fee payments are up to date, Cube Yadkin 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 Yadkin 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 Yadkin's other minimum eligibility requirements are satisfied.

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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 percent of the width of the cove at normal full-pool elevation.
4. Piers with Floating Sections — The pier may 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 percent of the width of a cove at normal full-pool elevation, whichever is less. Cube Yadkin 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), **including all areas shaded by the boat(s) and the structure**
 - a. Stationary Section
 - ~~b. Maximum width — 12 feet —~~
 - ~~c. Minimum width — 5 feet —~~
 - b. Floating Section, **if used**
 - ~~a. Minimum total area — 144 square feet~~
 - c. 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~~
 - d. **Structural roofs over boat slips may extend over the walkway areas of the slip, not to exceed 4 ft, to allow for structural integrity of the pier framing.** No asphalt roofing material will be allowed.
 - iii. **All applicable State and County building requirements for private residential piers must be satisfied.**
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.
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 Yadkin. The construction permit will constitute written approval from Cube Yadkin. 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.

8. Handrails — Handrails are required on stationary and walkway ramp sections of the pier. Handrails shall be a minimum of 36 inches high and shall prevent the passage of a 21-inch sphere.
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~~ **attached to a portion of a pier or anchored to the bottom using set posts.** If the boat lift is located inside of a boat slip (**surrounded on 3 sides by a solid structure of the pier**), 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. **A cover is not considered a structural roof.**
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 Yadkin 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 Yadkin 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.

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 Yadkin below.

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2. Installation. All work must be inspected and approved by the applicable County Inspections Department.
3. 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.
4. 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.
5. 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.
6. 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 Yadkin 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 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 Yadkin 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 percent 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 Yadkin upon request.

- C. Cube Yadkin 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. The permission will only be made with the concurrence of the NCWRC. However, removal of any aquatic vegetation of any type without written permission from Cube Yadkin is not allowed.

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 subdivisions platted and recorded on or after July 1, 1999, as a condition of eligibility for private individual piers, shared piers, or use of, or private access to the Project lands and waters, 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 to protect Bald Eagle habitat. These existing requirements continue to apply to these lots, except as otherwise provided for in the Stewardship Policy.
- D. For a lot in a subdivision to be eligible for a private pier, the subdivision developer must have satisfied Cube Yadkin’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 Yadkin will consider other alternatives to completing an EA, consistent with the SMP.

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. Cube Yadkin’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. In those instances where violations of these Specifications occur, Cube Yadkin 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 Yadkin procedures or requirements; and (ii) failure to obtain or to comply with written permission from Cube Yadkin, 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. Cube Yadkin 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 Yadkin determines that reinstatement of eligibility is otherwise consistent with the underlying goals reflected in these Specifications, the Stewardship Policy, and the SMP. Cube Yadkin, as it deems appropriate, will consult with federal and State regulatory agencies in determining adequate restoration and/or mitigation measures. Cube Yadkin may also assess a penalty fee to help defray the cost of ensuring restoration is complete.
- C. In addition, in the event of a violation of these Specifications, Cube Yadkin, at its sole option, has the right to: (i) terminate any existing permits; and (ii) erect a barrier along the Project boundary 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, and (b) restoration and/or mitigation, up to and including restoring Project lands and waters to their original condition. In addition, if the adjoining property owner fails to take the required action after notice from Cube Yadkin, Cube Yadkin will consider any facilities and structures remaining within the Project boundary 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 Yadkin 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 within the Project boundary must obtain a written activity permit from Cube Yadkin. The Stewardship Policy sets forth the requirements for these activities, including installation of private irrigation systems, vegetation removal, shoreline stabilization measures, and excavation.