

# Shorelinks II

COMMUNICATING SHORELINE MANAGEMENT ISSUES WITH THE PUBLIC

## THE SHORELINE MANAGEMENT POLICY *Key Elements*

**The TVA Board of Directors adopted a comprehensive shoreline management policy pursuant to the Shoreline Management Initiative (SMI), Environmental Impact Statement, and public input. The new Shoreline Management Policy became effective November 1, 1999.**

The Shoreline Management Policy (SMP) responds to a broad spectrum of residential shoreline management issues that protect critical resources while allowing reasonable access to the water. TVA and the public considered what's best for land, water, and people. Diverse public involvement influenced the Board to adopt a 50-foot shoreline management zone (SMZ) or greenbelt (the Blended Alternative called for a 25-foot greenbelt).

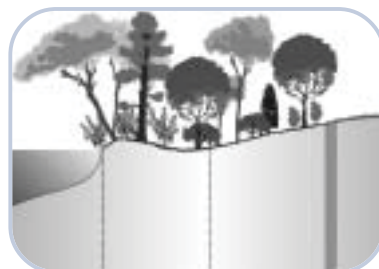
Under SMP, TVA's long-term goal for shoreline management balances shoreline development, recreation use, and resource conservation needs in a way that maintains the quality of life and other important values provided by the reservoirs.

Following are key elements of SMP:

- *TVA will continue to allow docks and other alterations along shorelines where access rights exist.*
- *Permits for existing facilities remain in effect.*
- *Vegetation management plans will be required on TVA land.*
- *A maximum allowable footprint of 1,000 square feet will be established for new residential water-use facilities. All constructed facilities will be contained within a 1,000-square-foot rectangular or square area at the lakeward end of the access walkway that extends from shore to dock.*
- *A 50-foot shoreline management zone (SMZ) will be retained on TVA land that adjoins newly-developed residential areas.*
- *An access/view corridor up to 20 feet wide can be requested within an SMZ.*
- *SMP adopted a strategy of maintaining and gaining public shoreline; however, the TVA Board of Directors terminated this policy on August 20, 2009.*
- *The new policy promotes the use of best management practices for the construction of docks, management of vegetation, stabilization of shoreline erosion, and other shoreline alterations.*
- *SMP emphasizes education activities and incentives as important components of shoreline management.*



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## TVA WATERSHED TEAMS

When you wish to proceed with vegetation management plans or other shoreline development, contact your local Watershed Team. They will work with you to ensure your application is complete. For newly developed areas fronting TVA-owned residential access property, applicants are required to:

- *Include a vegetation management plan with the TVA/USACE application for private water-use facilities. (Sample plans that include a space to sketch individual drawings may be obtained by calling one of the TVA Watershed Teams.) The vegetation management plan must clearly indicate what is proposed for TVA-owned residential access property.*
- *Place colorful ribbons on the public property at each end of the proposed access corridor so that TVA can easily identify the proposed corridor route.*
- *Provide several photos that show the proposed access corridor and dock location.*

### **Holston-Cherokee-Douglas Watershed Team**

*Boone, Bristol Project, Fort Patrick Henry, South Holston, Watauga, and Wilbur*  
106 Tri-Cities Business Park Drive  
Gray, Tennessee 37615  
423-467-3800

*Cherokee, Douglas, Nolichucky, and French Broad*  
3726 E. Morris Boulevard  
Morristown, TN 37813-1270  
423 585-2120

### **Watts Bar-Clinch Watershed Team**

*Clinch, Great Falls, Melton Hill, Norris, Powell, and Watts Bar*  
260 Interchange Park Drive, LCB 1A-LCT  
Lenoir City, TN 37772-5664  
865-632-1320

### **Little Tennessee Watershed Team**

*Fontana, Fort Loudoun, Tellico, and Little Tennessee*  
260 Interchange Park Drive, LCB 1A-LCT  
Lenoir City, TN 37772-5664  
865-632-1300

### **Guntersville-Tims Ford Watershed Team**

*Guntersville, Normandy, and Tims Ford*  
3696 Alabama Highway 69, CAB 1A-GVA  
Guntersville, Alabama 35976-7196  
256-571-4280

### **Chickamauga-Hiwassee Watershed Team**

*Chickamauga and Nickajack*  
1101 Market Street (PSC 1E-C)  
Chattanooga, TN 37402-2801  
423-876-6706

*Apalachia, Blue Ridge, Chatuge, Hiwassee, Nottely, and the Ocoees*  
4800 US Highway 64 West, Suite 102  
Murphy, NC 28906  
828-837-7395

### **Pickwick-Wheeler Watershed Team**

*Bear Creek, Cedar Creek, Duck, Elk, Little Bear Creek, Normandy, Pickwick, Upper Bear Creek, Wheeler, and Wilson*  
P.O. Box 1010, SB 1H-M  
Muscle Shoals, AL 35662-1010  
256-386-2560

### **Kentucky Watershed Team**

*Beech River Project, Kentucky, and Lower Duck*  
2835-A East Wood Street  
WTB 1A-PAT  
Paris, TN 38242-5948  
731-641-2000

**Visit TVA's Web Site at  
[www.tva.gov](http://www.tva.gov)**

## Standards

Stakeholders consistently voiced a need for more standards to address the type, size, and design of boat docks. The Shoreline Management Initiative (SMI) study found that having such standards protects property values, just as subdivision covenants help to maintain quality neighborhoods. Managing the density and size of structures helps protect important public values—scenic beauty, water quality, and natural resources. All of these are potentially affected by shoreline development.

Under the Shoreline Management Policy (SMP), the access walkway is not included in calculating the 1,000-square-foot footprint, thereby allowing more space for docks, slips, and other water-use facilities. TVA recognizes that water-use facilities are built to accommodate certain needs, as well as individual tastes. The standards do not result in a “one-style-fits-all” appearance. Rather, SMP permits several different designs within the allowable footprint. The standards do not require every permitted water-use facility to completely cover the 1,000-square-foot area. While some homeowners may want to fully use the maximum available space, others may prefer to have only a small dock and adjacent slip or boathouse. Exterior siding is allowed on covered boat slips.

Unless there are sensitive resources that must be protected or other site-dependent constraints such as proximity to the navigation channel, the decision regarding the configuration of proposed docking facilities is left to the homeowner—provided the maximum standards are not exceeded. When limiting factors exist, TVA works with homeowners to explore alternative ways to meet their needs.

SMP also provides flexible standards for erosion control. Homeowners may choose among the options of riprap, biostabilization, gabions, or a combination of these approaches—as long as TVA standards for the selected technique are met. TVA wants to promote awareness among homeowners about the benefits of plant systems for erosion control.

Following is a summary of the new SMP standards and how they compare with shoreline management guidelines effective prior to November 1, 1999.

# STANDARDS FOR NEW DEVELOPMENT

How does the Shoreline Management Policy (SMP) compare to existing guidelines?

## Summary of Construction and Land Use Standards<sup>1</sup>

*TVA written permits are required before initiating any activities on TVA land.*

| Standards                                    | SMP<br>After November 1, 1999  | Guidelines<br>Before November 1, 1999   |
|--|--|---|
| Maximum Allowable Footprint                  | Up to 1,000 sq. ft.—not including walkways <sup>2</sup>  | Docks - 400 sq. ft.; boat wells - 700 sq. ft.; no total footprint   |
| Covered Boat Slips                           | One or more covered slips per lot, within 1,000-sq.-ft. footprint; exterior siding allowed <sup>2</sup>  | Up to 2 slips per lot, no more than 700 sq. ft. within boat wells   |
| Flotation                                    | If foam is used, it must be the commercially manufactured, encased type.   | Commercially manufactured flotation products  |
| Shoreline Management Zone <sup>3</sup> (SMZ) | 50-ft-deep SMZ where TVA owns the land   | None  |
| Management of Woody Understory <sup>3</sup>  | Clearing of poison ivy, Japanese honeysuckle, and other specified plants may be allowed within 50-ft-deep SMZ and elsewhere on TVA property  | As needed for pathway to lake and as described in "Tree Cutting,"   |
| Tree Cutting <sup>3</sup>                    | Selective thinning of trees up to 3-in. diameter at ground level may be allowed outside 50-ft.-deep SMZ. Tree cutting may be allowed within the SMZ to clear the access/view corridor. Pruning of some side limbs may also be allowed. | Cutting of <3 in. diameter at ground level may be permitted, excluding certain species of flowering or fruit-bearing trees or shrubs. |
| Shoreline Stabilization                      | Applicants choose between riprap, biostabilization, or gabions   | Riprap preferred to retaining walls   |
| Community Facilities                         | Required in small coves where there is insufficient shoreline to accommodate individual docks or where needed for resource protection  | Encouraged in small coves where there is insufficient shoreline to accommodate individual docks.                                      |
| Boat Launching Ramps/<br>Marine Railways     | Individual marine railways or ramps are allowed within access/view corridor  | Requests for individual ramps are considered  |
| Channel Excavation <sup>4</sup>              | Individual boat channels considered (<150 cu. yds. of dredging)  | Minimal   |

<sup>1</sup> TVA meets the requirements of Endangered Species Act, National Historic Preservation Act, Executive Order 11988, Executive Order 11990, and other applicable laws/regulations.

<sup>2</sup> Construction standards for residential water-use facilities apply to all structures requiring 26a approval on TVA land and on flowage easement property. A maximum allowable footprint of 1,000 square feet has been established for all residential water-use facilities. The docks, slips, boathouses, and other water-use facilities associated with a particular lot will be contained within a 1,000-square-foot rectangular or square area at the lakeward end of the access walkway that extends from shore to dock. Access walkways may not exceed 6 feet in width and are not included as part of the 1,000-square-foot footprint.

<sup>3</sup> These standards are required on TVA-owned residential access shoreland. TVA approval is not required for management of vegetation on flowage easement or other private property.

<sup>4</sup> Channel excavation in the flowage easement in association with a water-use facility requires approval.



All of these water-use facilities and many other applicant preferences can be designed to meet the SMP standards.

# Grandfathering Provisions

Under the Shoreline Management Policy (SMP), existing permitted uses of the shoreline are allowed to be continued by current and subsequent property owners. Grandfathering provisions apply to existing permitted development and uses along shorelines that are open for access and uses in existence prior to November 1, 1999. The following provisions apply:

## Mowing and Vegetation Management

- *Mowing of established, preexisting lawns on TVA-owned residential access shoreland is allowed to continue. In situations where established mowing is not now specifically included as an authorized use in an existing permit, TVA will add mowing as a permitted use in the next permit action involving that site.*

*This could be done:*

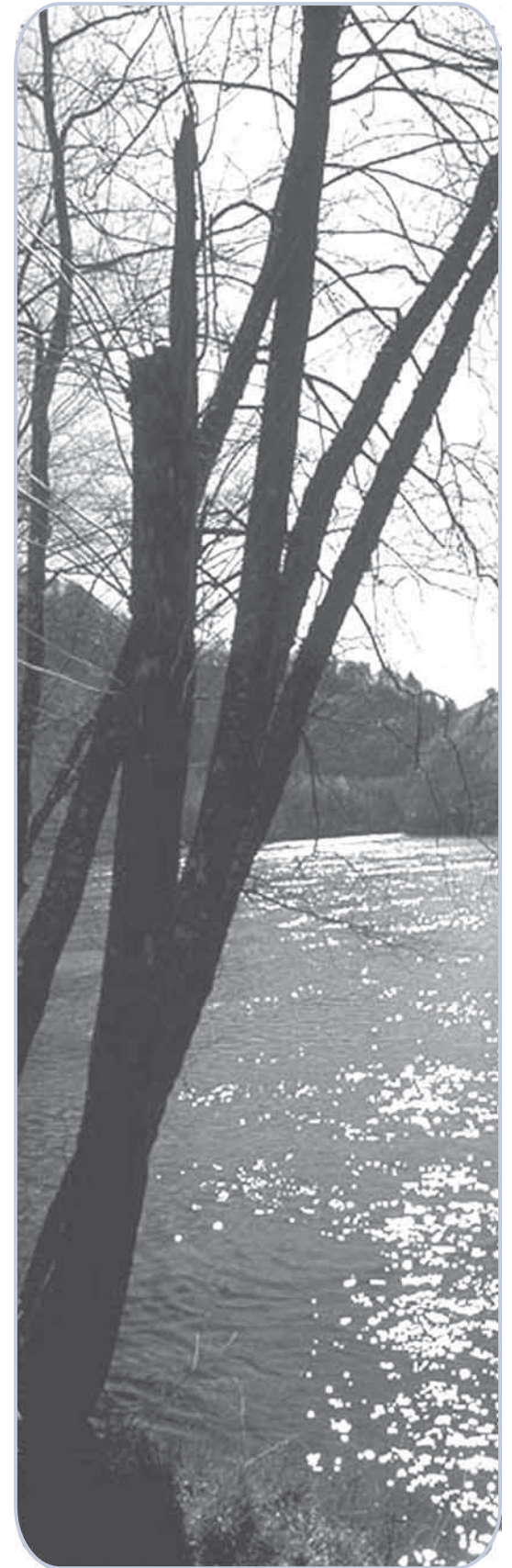
- ◆ When reviewing a permit application for existing structures and other uses that had not been previously permitted
  - ◆ When reviewing proposals for additional shoreline alterations at the site
  - ◆ When ownership of the adjacent property changes and the new owner requests a permit to continue existing uses
- *Mowing and other vegetation management practices on flowage easement shoreland or other privately owned property do **not** require TVA approval.*
  - *Any removal of trees or other vegetation on TVA property will require TVA's prior written approval.*

## Existing Structures

- *Existing shoreline structures (docks, retaining walls, etc.) that have been permitted by TVA are automatically grandfathered.*
- *SMP does not require grandfathered docks or other permitted alterations to be modified to conform to new standards.*
- *Any homeowner who is uncertain about whether existing docks and other shoreline alterations have been permitted may contact the local Watershed Team to obtain a copy of the permit on record or to apply for an after-the-fact permit. (See TVA Watershed Team list on page 2.)*
- *It is the homeowner's responsibility to ensure that all existing shoreline alterations are permitted by TVA.*

## Change of Ownership

- *When ownership of the adjoining residential property changes, the subsequent owner needs to notify TVA of the change in ownership. TVA will reissue the permit for those existing approved alterations to the next owner.*
- *Subsequent owners are not required to update existing permitted docks to new standards.*



***Any permitted existing uses are grandfathered in open areas (see page 8 for definition of “open” shoreline).***

# Vegetation Management

One of the most effective ways to protect and improve water quality is to retain shoreline vegetation. Other benefits include providing food and habitat for plants and animals; filtering nutrients, sediments, and other pollutants from runoff; providing shade and cover for fish; minimizing shoreline erosion; and contributing to shoreline aesthetics.

The Shoreline Management Policy (SMP) provides for a 50-foot-deep shoreline management zone (SMZ) to protect the shoreline and water quality. This will apply to new areas developing next to TVA land that is open for access.

The SMZ is not required on flowage easement shoreland, other private land, or where lawns existed before November 1, 1999.

When an adjacent property owner (applicant) requests TVA's permission for a dock or other shoreline alterations on TVA-owned residential access shoreland, TVA works with landowners to ensure that the application includes a plan for management of the vegetation on TVA land. This is not necessary if an approved vegetation management plan already exists. The plan must meet the following vegetation management standards:

- *Clearing of selected trees and other vegetation may be considered to create*

*and maintain an access/view corridor that could be up to 20 feet wide. The corridor extends from the common boundary between TVA and the adjacent landowner to the water at normal summer pool.*

*TVA's goal in establishing the SMZ is to conserve trees and other woody vegetation to the maximum practical extent. To accomplish this goal, cutting of trees within the SMZ is only allowed to clear the access/view corridor and to*

*make the site suitable for erosion control projects. When trees are removed in preparation for erosion control projects, replacement planting of native trees is required.*

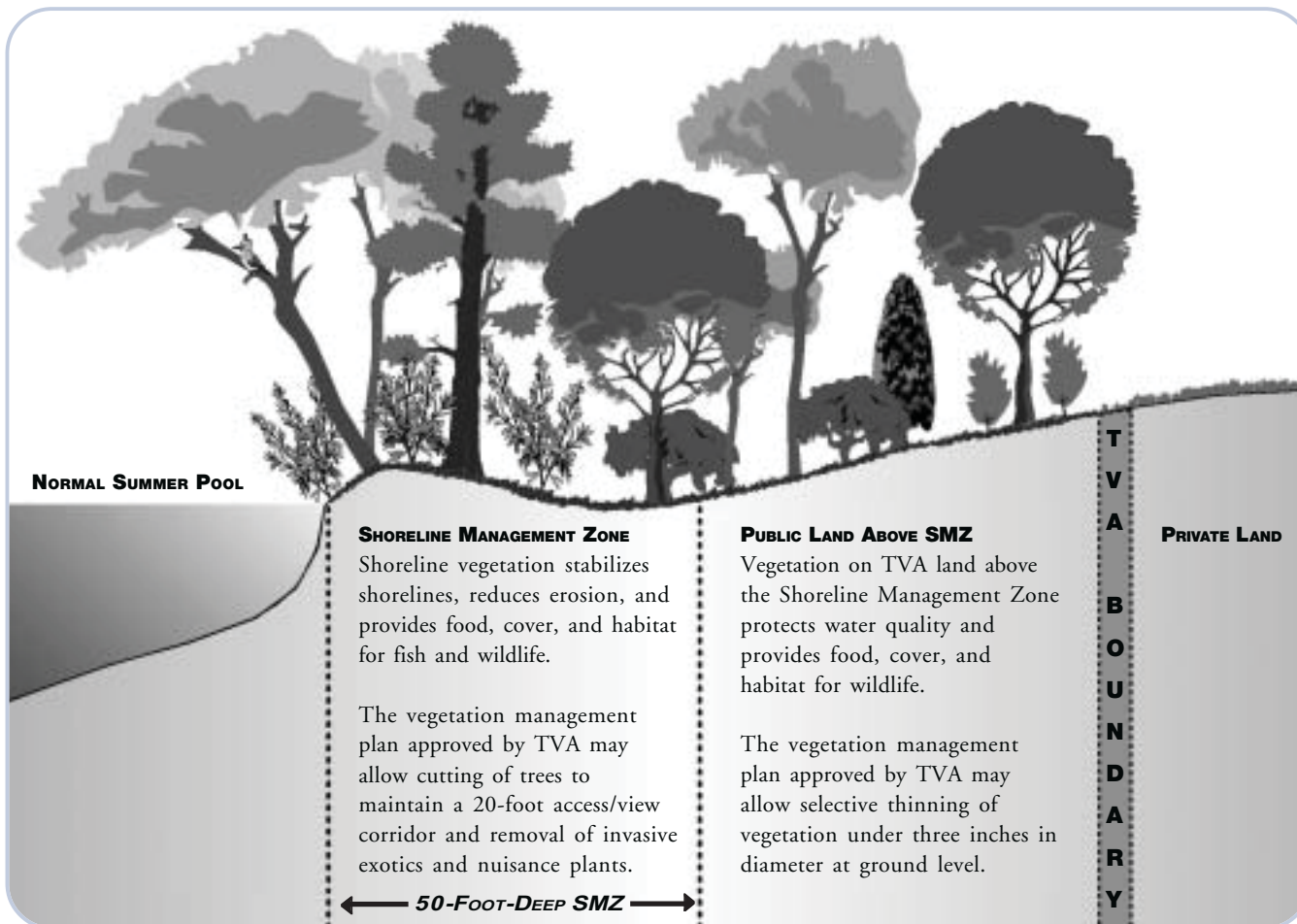
- *Within the 50-foot SMZ and elsewhere on TVA land, clearing of specified plants (poison ivy,*

*Japanese honeysuckle, kudzu) and other plants approved by TVA may be considered.*

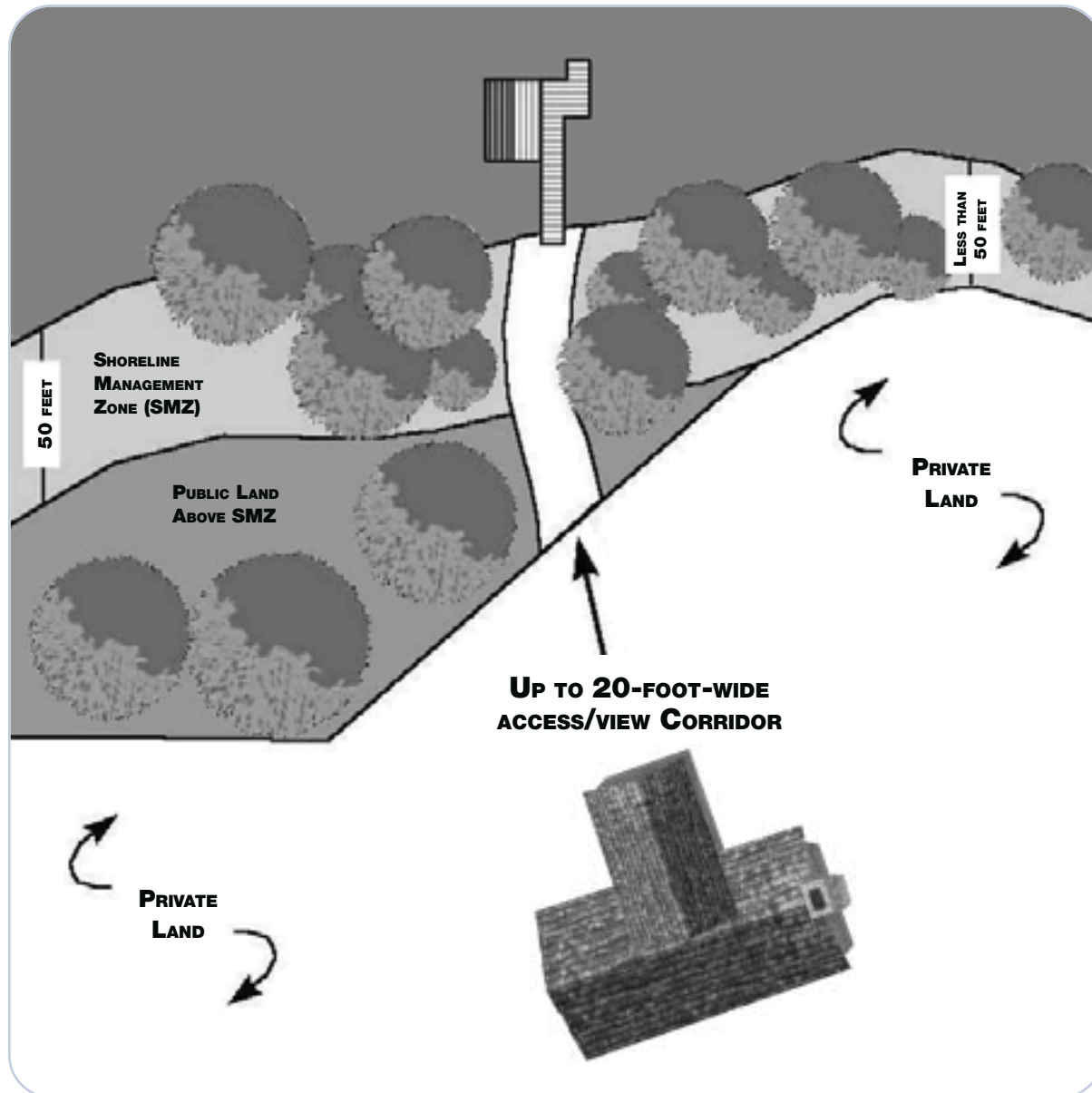
- *Pruning of side limbs on trees to enhance the view of the lake may be considered within the SMZ and elsewhere on TVA land.*

- *On TVA land situated above the SMZ (more than 50 feet from normal summer pool), selective thinning of trees or other vegetation under 3 inches in diameter at ground level may be considered.*

- *The forest floor must be left undisturbed except for removal of specified plants and/or planting of native vegetation.*



## The Access/View Corridor



The vegetation management plan can include proposals to plant native trees, shrubs, wildflowers, and ground covers to improve or enhance the vegetative cover. TVA's goal in establishing the SMZ is to conserve trees and other woody vegetation to the maximum extent possible.



## SHORELINE CONSERVATION

**T**VA conducts and maintains shoreline inventory data to document the presence of threatened and endangered species, wetlands, and cultural resources. This information is used in TVA's reservoir land management planning process to categorize shorelines that should be protected because of the existence of sensitive resources.

**T**VA will continue to develop land management plans for each reservoir. Reservoir plans define goals for the management of TVA lands and identify specific land use allocations for each parcel. In developing reservoir plans, TVA relies upon public involvement and resource inventories to identify the appropriate uses for each parcel.

**D**uring the planning process, maps are prepared for each reservoir to show land ownership patterns and areas with access rights. The planning process will be enhanced to include the shoreline categorization system.

**T**VA also promotes conservation easements. TVA will actively partner with lake user organizations, property owner associations, land trusts, individual property owners, conservation organizations, state and local agencies, and others in seeking voluntary donations of conservation easements for protection of privately owned shoreline. Conservation easements allow land to remain in private ownership. These easements will be custom-tailored to meet the needs of property owners who want to ensure sound stewardship of their lands today and into the future.

# THE MOST FREQUENTLY ASKED QUESTIONS ABOUT SMP

**I**f I already have a TVA approved permit, do I still need to call TVA?

**N**o. Existing permits remain in effect. In addition, permit requests received or approved prior to November 1, 1999, are not subject to the new shoreline management policy.

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**D**oes the new shoreline management policy require any new fees?

**N**o. Preexisting permit processing fees remain in effect. There were no new fees put in place as a result of SMP.

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**H**ow is maintenance addressed?

**R**outine maintenance does not require TVA approval. Any repairs that alter the size of the facility or any new construction require written TVA approval.

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**H**ow is change of ownership addressed?

**W**hen ownership of permitted docks or other shoreline alterations change, the heir or subsequent owner should notify TVA of the change in ownership. TVA would reissue the permit to the next owner, whether an heir or subsequent buyer.

The next owner and any subsequent owners are allowed to continue using existing permitted docks and other shoreline alterations. Subsequent owners will not be required to modify existing permitted docks to new standards. In addition, they can continue mowing established lawns that existed prior to the effective date of the new policy.

**W**hy are Shoreline Management Zones (SMZs) important?

**O**ne of the most effective ways to protect and improve water quality is to retain shoreline vegetation. SMZs help maintain a healthy forest and clean water, reduce shoreline erosion, maintain scenic amenities of the forest, and provide habitat for wildlife species.

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**W**ill TVA consider waivers?

**R**quests for waivers of new standards can be submitted by owners of property within preexisting developments. These are areas with access rights where permitted shoreline development existed prior to November 1, 1999. Waivers can be requested for shoreline alterations that are compatible with surrounding permitted structures and uses within the subdivision or, if there is no subdivision, within the immediate vicinity.

In reviewing waiver requests, TVA will consider:

- *The uses permitted under the guidelines followed by TVA prior to adoption of SMP.*
  - *The prevailing permitted practices within the subdivision or immediate vicinity.*
  - *The impact on navigation, flood control, power generation, or sensitive resources.*
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**W**here do the grandfathering provisions apply?

**G**randfathering provisions apply to existing permitted development and uses established prior to November 1, 1999, for shorelines that are “open” for access.

**H**ow are mowing and vegetation management addressed in the grandfathering provisions?

**M**owing of established lawns on TVA-owned residential shoreland, preexisting before November 1, 1999, are allowed to continue. (See the section on Grandfathering Provisions on page 4 for additional information.)

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**H**ow are existing structures addressed in the grandfathering provisions?

**E**xisting shoreline structures (docks, retaining walls, etc.) that have been permitted by TVA are automatically grandfathered. (See the section on Grandfathering Provisions on page 4 for additional information.)

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**W**hy is it important to maintain vegetation along the shore?

**T**he SMP vegetation management standards conserve the important benefits of existing forests and understory plants, while allowing some management of vegetation on TVA-owned residential access shoreland. (See the section on Vegetation Management on page 5 for more detailed information.) Vegetation provides the following benefits:

- *Trees and understory vegetation protect water quality by filtering sediments and pollutants from runoff before they reach the lake.*
- *Root systems of trees and other shoreline vegetation minimize soil erosion.*

# THE MOST FREQUENTLY ASKED QUESTIONS ABOUT SMP

- *Trees and shoreline vegetation provide shade and cover for fish and important wildlife habitat.*
  - *Shoreline vegetation is scenic and provides a visually pleasing shoreline.*
- 

**I**s TVA review needed to trim or remove vegetation on public property?

**Y**es. See the section on Vegetation Management on page 5.

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**H**ow will the new policy affect management of vegetation on private land?

**S**MP will not affect how vegetation is managed on private land.

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**I**s TVA review needed to remove vegetation on private property?

**N**o. TVA review or approval is not needed to remove vegetation on private property along the shoreline. Landowners planning to remove trees and other vegetation from private property should use silt screens or other appropriate measures to minimize the impacts of site disturbance.

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**W**hat is TVA doing to address erosion?

**O**ver the past few years, TVA has initiated intensive efforts to analyze and address erosion issues associated with loss of property and degradation of water quality. Removal of vegetative cover, wind- and boat-generated waves, fluctuating lake levels, and freezing and thawing of

exposed soil all contribute to erosion. Because of the extent of the problem, the TVA Watershed Teams offer technical assistance to landowners with erosion problems on private land.

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**A**re retaining walls allowed under the new policy?

**R**etaining walls typically require extensive site disturbance; generally reduce aquatic habitat conditions; often are not properly designed; and result in further site disturbance if they fail. For these reasons, retaining walls are permitted only in instances where TVA determines:

- *The erosion is severe and TVA determines that a retaining wall is the most effective erosion control option.*
- *The proposed wall connects to an existing wall, with permission of the wall owner.*

**U**nder the SMP, will TVA authorize additional residential access and development at locations where such rights do not exist?

**W**here residential access rights do not currently exist, TVA will consider opening access across additional shoreland only for TVA initiated projects that support the agency's integrated resource management mission. TVA previously considered opening additional shoreline access through the Maintain and Gain Shoreline Policy adopted in the SMP; however, The TVA Board of Directors terminated this policy on August 20, 2009.

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**W**hat are "open" shorelines?

**O**pen shoreline refers to areas where residential access rights now exist, which includes flowage easement and TVA-owned residential access shoreland. Of the total open shoreline Valleywide, 13 percent is currently developed and 25 percent is undeveloped.

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**W**hat are flowage easements?

**G**enerally, flowage easement shoreland is privately owned lakeshore where TVA purchased the right to flood the land as part of its reservoir operations. TVA may also have additional rights over some flowage tracts, such as the right to remove buildings and prevent the storage of certain materials. In addition, TVA has permitting responsibility for proposed docks and other shoreline structures. (TVA approval is not required for vegetation alterations.)

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**W**hat is TVA-owned residential access shoreland?

**T**VA-owned residential access shoreland is TVA public land where the adjoining private property owner has deeded access rights across the TVA land. The adjacent landowners may submit permit applications to TVA for proposed docks, other water-use facilities, vegetation management activities, and other uses. Also included in this category are shorelines classified in TVA reservoir plans and forecasts as available for shoreline alteration permits, although the adjacent private property owner does not actually have deeded access rights.