



# Greenwood County

## Policies and Procedures

<b>Title:</b> Protected Zone Piers	<b>Number:</b> 11.2	<b>Page:</b> 1 of 2
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<b>Issued By:</b> Toby Chappell, Manager <i>TLC</i>	<b>Approved by:</b> Mark Allison, Chairman <i>MA</i>	
This policy supersedes any and all previous protected zone pier policies for Greenwood County.		

### 1.0 POLICY

A uniform policy for issuing or denying dock permits in critical habitat zones under Resolution 2005-04, and for requiring protective and joint use agreements for permitted docks, is hereby established.

### 2.0 RESPONSIBILITY

The Lake Management Department and the Lake Manager will be responsible for the execution of this policy subject to the direction of the County Manager. The County Manager or the Chairman of the County Council will sign any protective contract made under this policy on behalf of the County.

### 3.0 SHORELINE MANAGEMENT PLAN BACKGROUND AND PROVISIONS

**BACKGROUND:** The FERC license for Lake Greenwood required the County to work with certain resource agencies (SCDNR, USFWS, NRCS, SCDHEC, and SC SHIPO) to develop a plan for the management of the shoreline uses of Lake Greenwood that would protect critical habitats and archeological sites. Shoreline critical habitat inventory maps were developed in 1998 and a proposed shoreline management plan was prepared by Duke Power and submitted on behalf of the County in 1999. In May 2001, the FERC ordered the taking of measures to protect areas identified as critical shoreline areas. In November 2002, revised habitat inventory maps incorporating the proposed protection zones and shoreline use designations were prepared based on the general standards that the agencies had agreed upon for Duke Lakes, with some modifications to the Duke Power lake habitat definitions that reduced the total impacted areas around the lake. County Council approved these maps and enacted Ordinance 15-03, Ordinance 2004-18 and, as enabled by the ordinances, Resolution 2004-5. These ordinances and resolutions were approved by the FERC, including specifically the submitted measures for protection of the critical habitat areas. The FERC ordered the County to implement the said measures within six months of the order.

**PROVISIONS:** Ordinance 2004-18 and Resolution 2004-5 provide the County the authority to consider approval of a pier in the designated habitat zones of "one pier having a width of four feet ... as a docking point for nearby residential properties." The resolution requires that the users enter into a contract with Greenwood County to protect, establish, replace, or enhance the vegetative boundary along their properties as a condition of maintaining a pier. The resolution also explicitly prohibits a pier within 200 feet of a point of confluence.

#### **4.0 REQUIRED JOINT USE AND HABITAT PROTECTIVE AGREEMENTS**

In order for a lot owner to be considered for a pier permit in a habitat area, the lot owner in the designated 200 foot strip of habitat being considered for a single pier shall execute a habitat protection and joint use agreement as a condition of installing a pier in the protected zone. A request for a habitat pier that is to be located less than 300 feet from the end of a habitat zone or less than 300 feet from a stream confluence shall allow for use by all adjacent owners between the proposed pier and the end of the habitat zone or stream confluence affected by the protection and joint use agreement. The contract and agreement shall be drafted and provided by the County Attorney on behalf of the County. The permittee shall post a \$2,000 cash or surety bond with the County prior to construction of a permitted pier to insure that the habitat is not disturbed by the construction of a pier across the habitat fringe. If damage to the habitat occurs, the County will require the permittee to repair the damage in order to recover their bond. Should the permittee fail to do so, the County may use the bond to contract for the repairing and replanting of the habitat plants. Additionally, the County may take other action as necessary against the permittee to affect the repair and protection of the habitat plants and characteristics.

The County will, as determined by the Lake Management Department, revisit the sites and compare the health and condition of the habitat to the original photographs of the area. Should the habitat decline for any reason, the owners shall replant and enhance the habitat as directed by the County.

#### **5.0 GEOMETRIC CRITERIA**

In evaluating the suitability of a section of habitat for a proposed pier, the dockable space will be evaluated across the width of the frontage of the adjacent lot of the signatory owner of the joint use and protection contract. No pier will exceed the length provisions provided in the general pier permitting rules for Lake Greenwood. Additionally, no pier shall be permitted in a designated habitat zone within 200 feet of a stream confluence with the Project Boundary. A stream is defined for this purpose as any natural drain or swale leading to the lake that normally maintains a continuous flow of water from runoff, springs, and seeps, and specifically includes any stream or intermittent stream shown on the USGS (U.S. Geological Survey) topographic maps as a blue or dashed blue line.

#### **6.0 PROTECTED FEATURES IN THE PROTECTED ZONES**

Within the Protected Zones, there are a number of features and characteristics that may not be impacted, modified, or eliminated. Habitat characteristics that are considered part of the protected habitat include shoreline border grasses, shallow water juncus grasses, cattails, and other wetlands flora, as well as submerged bottom grasses and plants. The characteristic of a shallow water area is another feature that has been identified by the resource agencies as a desirable and protected feature. Dredging, grading, digging, or otherwise modifying the lake bed to deepen the areas in front of these properties will not be permitted. Posts and piles for a permitted pier shall either be installed by hand without the use of powered machinery in the lake bed, or from a floating rig that does not disturb the lake bottom in areas where the water depth at full pool is less than two feet and the area is within a protected zone.