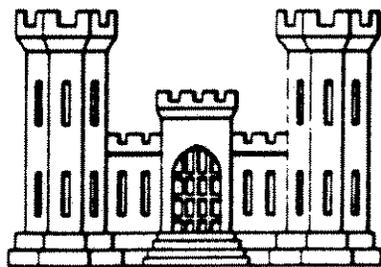


# LAKESHORE MANAGEMENT PLAN

**Tygart River Lake  
West Virginia**

APPENDIX F  
TO PROJECT MASTER PLAN



U.S. ARMY CORPS OF ENGINEERS  
PITTSBURGH DISTRICT

ORDCO-R (1 Nov 82) 1st Ind

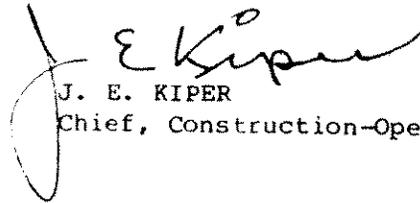
SUBJECT: Revision to Appendix F, Lakeshore Management Plan, Tygart Lake, W.V.

DA, Ohio River Division, Corps of Engineers, P.O. Box 1159, Cincinnati, OH  
45201 5 April 1983

TO: Commander, Pittsburgh District, ATTN: ORPOP

1. Reference ER 1130-2-406, Lakeshore Management at Civil Works Projects.
2. The referenced ER provides that minor revisions can be made to an existing Lakeshore Management Plan without requiring public participation. In our review of this proposed revision, I find the following:
  - a. All of the proposed changes in the Lakeshore Management Plan are minor in nature.
  - b. All three of the boat clubs, that were affected by the changes in lakeshore allocations, have provided written statements agreeing to these changes.
3. Based on the above findings, the revision to the subject Appendix F is approved.

FOR THE COMMANDER:



J. E. KIPER  
Chief, Construction-Operations Division



DEPARTMENT OF THE ARMY  
PITTSBURGH DISTRICT, CORPS OF ENGINEERS  
WILLIAM S. MOORHEAD FEDERAL BUILDING  
1000 LIBERTY AVENUE, PITTSBURGH, PA 15222

ORPOP-R

1 November 1982

SUBJECT: Revision to Appendix F, Lakeshore Management Plan, Tygart Lake,  
West Virginia

Commander, Ohio River Division,  
ATTN: ORDCO-R

1. Reference letter, ORDCO-R, 18 January 1982, subject: Format for Updating Appendices to the Master Plan.

2. The following revisions to the Tygart Lake Lakeshore Management Plan are submitted for approval:

a. Paragraph 8c. Flag Poles (page 11) is deleted. Flag poles are referenced under Paragraph 10. Prohibited Facilities and Activities, Subparagraph 10.a.(15) Other (page 13).

b. Paragraph 5d. Community Docks and Boat Clubs (page 7) - Second paragraph referring to Tygart Lake boat clubs is deleted. Heading of paragraph changed to: Community Docks and Boat Club Docks.

c. Changes to the inclosed Exhibit A, Lakeshore Allocations Map are as follows: The Lakeshore Allocation of the three small areas indicated in orange (existing recreation areas located on the left bank, east of the Pleasant Creek Public Hunting and Fishing area) are changed as follows:

(1) The easternmost area is designated as protected and is shown in green. This area, formerly occupied by the Tygart Lake Boat and Recreation Club, is presently located between a limited development area and a protected area. The area has no public access and is bounded by State lands.

(2) The two remaining areas, both of which were also occupied by boat clubs and located between limited development areas, are designated as limited development and are shown in red. One area is adjacent to property owned by one of the clubs. The other area has public access.

3. The above changes and the changes to the allocation map are recommended for approval for the following reasons:

a. The three boat clubs on Tygart no longer have concessionaire agreements with the West Virginia Department of Natural Resources. The clubs concessionaire agreements expired in March 1979.

ORPOP-R

1 November 1982

SUBJECT: Revision to Appendix F, Lakeshore Management Plan, Tygart Lake,  
West Virginia

b. The West Virginia Department of Natural Resources will not be entering into any concessionaire agreements with the boat clubs.

c. The boat clubs were requested to remove all land based facilities which were located on U.S. Government fee-owned land.

d. The change in the Lakeshore Allocations Map will be consistent with the present land allocations on the lake.

e. Since the boat clubs will not have concessionaire agreements with the West Virginia Department of Natural Resources, they will be subject to the provisions of the Tygart Lake Lakeshore Management Plan.

4. The changes in the Lakeshore Management Plan will be included in subsequent updating of the project Master Plan.

5. Inclosed are six copies of the revised pages and Lakeshore Allocations Map along with a copy of the approved Tygart Lakeshore Management Plan.

Incls  
as

  
JOHN L. RICHARDS  
LTC, Corps of Engineers  
Commanding

ORDCO-R (5 Sep 78) 3d Ind  
SUBJECT: Appendix F, Lakeshore Management Plan, Tygart Lake,  
Grafton, West Virginia

DA, Ohio River Division, Corps of Engineers, P.O. Box 1159, Cincinnati,  
OH 45201 28 June 1979

TO: District Engineer, Pittsburgh, ATTN: ORPOP-R

The Tygart Lakeshore Management Plan is approved as submitted.

FOR THE DIVISION ENGINEER:

*David D. Patton*  
J. E. KIPER  
*for* Chief, Construction-Operations Division

ORPOP-R (5 Sept 78) 2d Ind

SUBJECT: Appendix F, Lakeshore Management Plan, Tygart Lake,  
Grafton, West Virginia

DA, Pittsburgh District, Corps of Engineers, Federal Building,  
1000 Liberty Avenue, Pittsburgh, PA 15222 4 April 1979

TO: Division Engineer, Ohio River, ATTN: ORDCO-R

1. The Tygart Lake, Lakeshore Management Plan is resubmitted for approval incorporating the following changes suggested by ORPED-PR:

a. Reference page 5, paragraph 4.b.(1), Limited Development Areas - This paragraph was amended to provide more specific direction relative to the maximum allowable density of development permitted in Limited Development Areas.

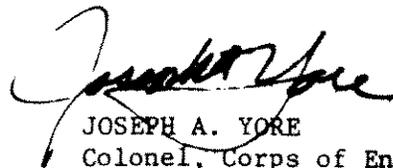
b. Reference page 9, paragraph 6.a., General - This paragraph was revised to stipulate that all permit applicants must have public access to Limited Development Areas.

c. Reference page 4, paragraph 3.b., Present Land Use - An error in the project total acreage has been corrected.

d. Reference Exhibit A, Tygart Lakeshore Allocations Map - The locations of the small sections of fee and easement lands on the left bank just north of the fishing dam were shown incorrectly on the original lakeshore allocation map. This error has been corrected.

2. All of the proposed limited Development Areas illustrated in Exhibit A are located within an area currently under license with the West Virginia Department of Natural Resources, Division of Wildlife. This agency has registered no official complaints relative to the proposed lakeshore allocation system. In addition, they have consented to renegotiate their license with the Corps to allow for these Limited Development Areas.

1 Incl (6 cys)  
as



JOSEPH A. YORE  
Colonel, Corps of Engineers  
District Engineer

ORDCO-R (5 Sep 78) 1st Ind

GEE/mfh/FTS 684-3804

SUBJECT: Appendix F, Lakeshore Management Plan, Tygart Lake, West Virginia

DA, Ohio River Division, Corps of Engineers, P.O. Box 1159, Cincinnati,  
OH 45201 13 December 1978

TO: District Engineer, Pittsburgh, ATTN: ORPOP-R

The Lakeshore Management Plan for Tygart Lake, West Virginia is returned  
in order to implement appropriate comments from ORPED-PR.

FOR THE DIVISION ENGINEER:

1 Incl  
nc

  
P. H. CARIGAN  
Chief, Construction-Operations Division



DEPARTMENT OF THE ARMY  
PITTSBURGH DISTRICT, CORPS OF ENGINEERS  
FEDERAL BUILDING, 1000 LIBERTY AVENUE  
PITTSBURGH, PENNSYLVANIA 15222

ORPOP-R

5 September 1978

SUBJECT: Appendix F, Lakeshore Management Plan, Tygart Lake, West Virginia

Division Engineer, Ohio River  
ATTN: ORDCO-R

1. In accordance with ER 1130-2-406, Appendix F, Lakeshore Management Plan for Tygart Lake, West Virginia, is submitted herewith for your review and approval. This plan presents policy and guidance on the protection of desirable environmental characteristics at Tygart Lake.
2. The preparation of this plan has been coordinated with the West Virginia Department of Natural Resources, local governmental agencies and various local groups and organizations at Tygart Lake.

1 incl (6 cys)  
as

A handwritten signature in cursive script, appearing to read "Joseph A. Yore", is written over the typed name and title.

JOSEPH A. YORE  
Colonel, Corps of Engineers  
District Engineer

LAKESHORE MANAGEMENT PLAN  
APPENDIX F TO MASTER PLAN FOR  
TYGART LAKE WEST VIRGINIA

LAKESHORE MANAGEMENT PLAN  
APPENDIX F TO MASTER PLAN FOR  
TYGART LAKE WEST VIRGINIA

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U. S. ARMY CORPS OF ENGINEERS  
PITTSBURGH DISTRICT  
APPENDIX F  
LAKESHORE MANAGEMENT  
PLAN  
Tygart Lake  
West Virginia

1. INTRODUCTION.

a. Purpose. The Lakeshore Management Plan establishes policy and furnishes guidelines for the protection and preservation of the desirable environmental characteristics of the Tygart Lake shoreline. The plan also considers means of restoration of the shoreline where degradation has occurred because of private exclusive use.

b. Authority. The authority to establish this plan is ER 1130-2-406, Lakeshore Management at Civil Works Projects, 12 December 1974.

c. References.

- (1) Section 4, 1944 Flood Control Act, as amended, P.L. 87-874.
- (2) The Act of 31 August 1951 (31 USC 483a).
- (3) The National Environmental Policy Act of 1969, P.L. 91-190.
- (4) The Federal Water Pollution Control Act of 1972 (FWPCA).
- (5) Title 36, Chapter III, Part 327 Code of Federal Regulations, "Rules and Regulations Governing Public Use of Water Resource Development Projects administered by the Chief of Engineers."
- (6) Executive Order 11752.
- (7) 33 CFR 209.120, "Regulatory Program of the Corps of Engineers."

d. Applicability. This plan is applicable to all Tygart project lands held in fee simple title by the Corps of Engineers, excluding lands leased for commercial concession activities. Facilities used in connection with commercial concessions are not affected by this plan as these operations are effectively controlled under their lease agreements. Activities upon easement lands will continue to be regulated by the original easement restrictions. These restrictions generally require a letter of consent to erect any structure or alter the land contour in any manner at or below the flood pool elevation of 1190 mean sea level. Floating facilities moored to easement lands require a dock permit from the U.S. Army Corps of Engineers.

e. History. Tygart Lake was authorized by the Public Works Administration, 11 January 1934, and adopted by the River and Harbor Act approved 30 August 1935. Construction of the dam was initiated January 1935 and was completed 3 years later in February 1938. Shortly thereafter, both the private and public recreational development of Tygart Lake took place. With the exception of the federal administration area in the vicinity of the dam, the development of the public recreational facilities and the management of the fish and game resources were, and still are, the responsibility of the West Virginia Department of Natural Resources.

Such private recreational development as boat docks, paths, steps, erosion control devices, and mowing also took place on Tygart's shoreline. As the trend for expansion of private exclusive use facilities became more pronounced, permit procedures had to be implemented. If a proposed facility was structurally sound, and the applicant had a residence adjacent to government property, a permit or license for the facility was then granted.

f. Archeological Significance. The Tygart Lake area is one of the least known archeological areas in the State of West Virginia. As a result, a survey of the archeological resources has been contracted to the West Virginia Geological and Economic Survey by the United States Department of the Interior. Salvage excavations were conducted by a Geologic and Economic Survey team during the late winter and spring months of 1975-1976. The results of this survey indicated that an Indian village site, possibly of the Monongahela culture of the late prehistoric period, existed along Tygart's shoreline.

## 2. OBJECTIVES OF THE PLAN.

a. General. Experience has shown that management is necessary in order to prevent large sections and possibly all of Tygart's shoreline from becoming congested with private uses and facilities. These private exclusive uses and demands have resulted in significantly reducing the amount of shoreline space left available for use by the general public. Sound lakeshore management will maximize the recreational use and enjoyment of Tygart Lake by all segments of the population and at the same time promote a greater compatibility between the recreating public, the environment, and the project purposes and resources.

The objectives of this plan are to manage and protect the Tygart Lake shoreline, to establish and maintain acceptable fish and wildlife habitat, to preserve the aesthetic quality and natural environmental conditions, to honor past commitments to private individuals, and finally, to promote the safe and healthful use of the lake and shoreline for recreational purposes by all members of the visiting public.

b. Commercial Concessions. Boatowners will be encouraged to moor their boats at the commercial marina, utilize dry storage facilities off project lands or trailer their boats to the public launching ramps which are provided by the West Virginia Department of Natural Resources at no charge. The concessionaire will be encouraged to increase the storage capacity based on public demand. Additional public marina concessions will be considered when the need is demonstrated.

c. Private Exclusive Use. Private exclusive use is the usage of public lands or waters by a private citizen or organization such that any benefit to be derived therefrom is in the predominate interest of that individual or organization. Private exclusive use may occur as an activity, e.g. mowing, or as spatial use that occurs when facilities, such as steps, docks, light-poles, etc., are placed upon public lands or waters. Ownership of private land adjoining government property does not convey any special rights or privileges on public lands and waters. All exclusive use of public lands and waters will be by permit or outgrant instrument only.

d. Preliminary Study. A preliminary study of Tygart Lake for the development of the lakeshore management plan began during the summer recreation season of 1975. This involved inspection of the shoreline, review of current problems, assessment of the extent of private exclusive use facility development, and the potential for future development. Proposals were discussed with individuals, groups, agencies, West Virginia Department of Natural Resources authorities, and local law enforcement agencies.

e. Public Involvement. The public has been directly involved in the draft of this plan from its inception to final completion. The first public comments were received when the proposed ER 1130-2-406 "Lakeshore Management at Civil Works Projects" regulation was published in the Federal Register on 30 May 1974. The Pittsburgh District of the U.S. Army Corps of Engineers followed this action by holding a general public meeting at a local high school in Grafton W. Va. on 14 November 1976. The purpose of this meeting was to acquaint the public with the need for sound long-range lakeshore management on Tygart Lake, and to request volunteers from those in attendance to serve on a planning committee. A planning committee was later formed and met on five separate occasions during the early spring, summer, and late fall of 1977.

The composition of this planning committee was a representative cross section of interest groups that had expressed concern over the use of Tygart Lake's shoreline. Representatives from the West Virginia Department of Natural Resources, local sportsman's clubs, the West Virginia Wildlife Federation, three boat clubs, and adjacent property owners all served on the planning committee. Planning committee members provided input for this plan by preparing and submitting maps which illustrated each member's recommendations on shoreline allocation. A composite map was then prepared, reviewed, and approved by the planning committee. This composite map embodied the committee's collective ideas on a lakeshore allocation system for Tygart Lake.

On May the 7th 1978 the draft Lakeshore Management Plan for Tygart Lake was presented at a final public meeting held at the Grafton High School auditorium in Grafton West Virginia. Those present at this meeting were provided with the opportunity to make suggestions both, oral and in writing, concerning possible revisions to this proposed plan. Those who were unable to attend this meeting were also encouraged by the local newspapers and television to submit their ideas and comments relating to the lakeshore management of Tygart Lake within thirty days. Immediately after this thirty day period, a final draft of the Tygart Lake Lakeshore Management Plan was prepared which embodied many of the recommendations received from both the planning committee and the general public. As

a result of this advocacy planning process, the U.S. Army Corps of Engineers feel that this Tygart Lake Lakeshore Management Plan will provide meaningful direction to the long range management of the public resources that make up Tygart Lake.

### 3. DESCRIPTION OF THE SHORELINE.

a. General. Tygart Lake is located on the Tygart Valley River in Taylor and Barbour counties, north-central West Virginia. This particular valley is relatively narrow and is bordered by abruptly sloping hills and mountains. As a result, much of Tygart's 31 mile shoreline is extremely steep, irregular, and remains in a rugged natural state. The forests that surround and occupy much of the project's lands are classified as mixed mesophytic with the White Oak-Hickory and the Yellow Poplar subtypes being the most dominant. The recreational development, both private and public, is concentrated and limited to those natural bench areas where the slope presents few obstacles to construction. Primarily because of the unspoiled natural character of the lake and because of the recent completion of Interstate 79 and U.S. 48, the National Freeway, Tygart Lake is a recreational asset that is quickly becoming more and more popular with the residents of eastern Ohio, western Pennsylvania, and western Maryland as well as continuing to attract visitors from north-central West Virginia.

b. Present Land Use. The Tygart Lake Project contains a total of 5,612 acres of land and water, of which 2,683 acres are owned in fee by the Federal Government. An additional 1,197 acres of privately owned land are managed by the Corps of Engineers as flowage easement. 40 acres of fee owned land in the vicinity of the dam are currently being used as a project operations area, overlook and concession site, a Corps operated picnic area, and a  $\frac{1}{2}$  mile long interpretive nature trail. In 1945, 1,732 acres of Federally owned land was transferred to the West Virginia Conservation Commission. This plot later became the nucleus of the holdings which now comprise Tygart Lake State Park. The remaining land held in fee by the federal government is under long term license - lease agreements with the West Virginia Department of Natural Resources for park and recreation purposes, and for fish and wildlife management. The lake has a maximum summer low water regulation pool elevation of 1094 mean sea level which creates a pool of 1,750 acres. Toward the close of the recreation season in the fall, the pool is dropped to accommodate the operation of the project for flood control purposes.

c. Private Development: Tygart Lake is located within easy driving distance of most of the major population centers of western Pennsylvania, north-eastern Ohio, and north-central West Virginia. Nonetheless, the private development of Tygart's shoreline is rather limited and concentrated. This is a direct result of the severe slope and topography which impedes the construction of access roads and private dwellings. Extensive private recreational development has, however, occurred along all those sections of the shoreline where the topography was not a limiting factor. As a result, private floating facilities on Tygart Lake tend to be unevenly distributed and concentrated in three main areas: West Hill, Frog Run, and Wildeat Hollow.

d. Existing Access. In addition to pedestrian access, several roads and developed ramps provide six launching points to Tygart Lake.

e. Prior Commitment. Historically private boat docks have always been permitted on Tygart Lake. Presently there are sixty private and community type docks under valid permit on the reservoir. It is the intention of the Corps of Engineers to continue to honor all past commitments made to individuals concerning private floating structures and other exclusive uses of the shoreline. This commitment is, however, only extended to those persons who obtained valid lakeshore use permits during that one year period immediately preceding the announcement of the general moratorium.

f. Indian Lands. There are no Indian lands within the boundaries of the Tygart Lake project.

g. Joint Jurisdiction - Federal. No other federal jurisdiction exists on the project.

h. Joint Jurisdiction - State. The West Virginia Department of Natural Resources, Division of Parks and Recreation has a current lease with the Corps of Engineers on 1,453 acres of land and water for public park and recreation purposes. The Fish and Wildlife Division of the West Virginia Department of Natural Resources also has a license with the Corps on 2,217 acres of land and water for fish and wildlife management.

i. Joint Jurisdiction - Municipal. There are no license, lease or cost sharing agreements for recreation purposes at this time between the U.S. Army Corps of Engineers and any local municipalities.

#### 4. LAKESHORE ALLOCATION.

a. General. Development of adjoining private land increases the demand for private floating facilities; therefore, it is readily apparent that a plan for systematic development of the shoreline is essential. This approach is intended to protect the natural beauty of the shoreline and to control exclusive use of the lakeshore.

b. Allocations. A comprehensive study of the entire fee lakeshore, involving public participation, resulted in development of a lakeshore management plan for Tygart Lake which establishes shoreline allocations (See Exhibit A).

No attempt is being made to include easement lands into the lakeshore allocation system. These areas are not owned in fee by the U.S. Government and are currently being effectively managed by individual perpetual easement agreements.

(1) Limited Development Areas. Certain private facilities may be permitted in areas designated for limited development. In no case will the density of floating facilities exceed fifty percent of the shoreline allocated for limited development when the lake level is at summer pool (El. 1094.0). The density of development may be less than 50% if the proposed use adversely affects the general public safety, the resources of the project or the recreation opportunities provided by the project as determined by the District Engineer.

(2) Public Recreation Areas. Private exclusive use facilities and vegetation modification are not permitted within or adjacent to developed recreation areas, or in areas in close proximity to parks where the structures would detract from the view or the aesthetic appeal of the shoreline. In addition, no lakeshore use permits will be issued in undeveloped designated recreation areas. These areas are excluded from private exclusive use in order to set aside certain segments of public lands for possible future expansion of existing recreation areas and facilities.

(3) Protected Lakeshore Areas. Private exclusive use facilities are not permitted in protected lakeshore areas. These areas were designated to protect aesthetic, environmental, and fish and wildlife values. Other reaches of the shoreline were included under this allocation for physical protection reasons including shallow areas and reaches of the shoreline subject to exposure to winds or currents. Land access and boating are permitted along the shoreline within these areas as long as aesthetic, environmental, and natural resource values are not damaged or destroyed. Modification of the land form or vegetation may be permitted only after a thorough review of the long term effects on the environmental and physical characteristics of the area.

(4) Prohibited Access Areas. Private exclusive use facilities are prohibited in these areas. Such areas are so designated for the physical protection of the recreating public or for the protection of unique or fragile ecosystems. Examples of such would be unique fish spawning beds and certain hazardous areas near dams.

c. Shoreline Allocation Master Map. A master map depicting the shoreline allocation system will be on display at the office of the Resource Manager at Tygart Lake. This map also appears as exhibit A in this plan.

## 5. PERMITS.

a. General. All private exclusive uses or facilities located on government lands or waters at Tygart Lake must be covered by a permit, lease, or license. (See exhibit B). Private exclusive uses or facilities not so covered by such legal instruments will be considered as unauthorized uses or structures and subject to discontinuance or removal in accordance with U.S. Code of Federal Regulations, Title 36, Chapter III, Part 327.

b. Application Procedures. The moratorium imposed on the issuance of new lakeshore use permits and licenses on 14 December 1976 will be rescinded upon the approval date of this plan. Applications for real estate licenses and Lakeshore Use Permits, such as dock permits and mowing permits, must be obtained in person from the Tygart Lake Resource Manager. A copy of the completed application (Exhibit C) is signed by the Resource Manager and placed on file. The applicant is then required to mail a second copy of the approved, signed, and completed lakeshore use application with a check for the proper amount (made payable to the Treasurer of the United States) to the following address:

U.S. Army Corps of Engineers  
Pittsburgh District  
ATTN: Chief, Finance & Accounting Branch  
Federal Building 18th Floor  
Pittsburgh Pa. 15222

When mailing the application to the above address please utilize the envelope provided by the Resource Manager.

c. Honoring of Past Commitments. All previously issued leases, licenses or permits will be subject to reapplication upon implementation of this plan. In the case where the husband or wife dies and his or her name appears on the permit, the permit will be honored for the surviving spouse and the children as of the approval date of this plan.

Flowage Easement Areas. Easement lands are those sections of the Tygart Lake shoreline from which the U.S. Government purchased only the perpetual right to flood or clear to the 1190 mean sea level elevation contour. Activities on easement lands are generally restricted to those which, in the opinion of an authorized U.S. Army Corps of Engineers representative, pose no real threat to the continued operation and maintenance of Tygart Lake and/or Tygart Dam. The U.S. Army Corps of Engineers, therefore, requests that individual easement property owners become familiar with their respective easement agreements and notify the Tygart Lake Resource Manager before undertaking any major vegetative alteration or construction projects below the 1190 contour.

In order to defray the administrative costs borne by the Government, a fee is always charged when a real estate license is issued on easement land. In addition, any license issued on easement land for altering the land contour which causes a loss of water storage for the lake will also result in a fee being imposed. Water pumps and their associated lines which draw water from Tygart Lake for residences on easement property will require a real estate license. A fee will be charged based on the fair market value of the water being used for domestic consumption. In addition, easement property owners are also required to have their private docking facilities covered under a current and valid lakeshore use permit. In all three of the above examples a fee is charged the easement property owner because a private exclusive use of public property (the water of Tygart Lake) is being made.

d. Community Docks and Boat Club Docks. Applications for community boat docks or boat club docks must be accompanied with a photostatic copy of appropriate Articles of Incorporation of a non-profit corporation. A complete and current listing of the names and addresses of all members utilizing the facility must be provided. Only one application should be filed under the official name of the non-profit corporation. The District Engineer reserves the right to require all non-profit corporation community docks to submit an annual financial statement covering all dock income. These measures are being taken in order to insure that all benefits derived from non-profit corporations are distributed equally among their members. Community boat dock members that do not wish to be incorporated must file individual boat dock applications.

e. Lakeshore Use Permits. Permits are issued and enforced in accordance with provisions of Section 327.30, Chapter III, Title 36, Code of Federal Regulations. Applications for all structures or actions requiring a permit, lease or license will be made to the Resource Manager at the Tygart Dam Office. These permits are non-transferable and shall become null and void upon sale or transfer of the structure, or upon the death of the permittee. Existing permittees will be allowed to place the name of the spouse or children on a renewal permit to be issued under this plan. Dock permits located within limited development areas shall remain in effect for five years and will be renewed as long as either spouse or children shall live provided the facility is properly maintained. Lakeshore use permits are also issued for vegetative modification activities on the land which does not involve in any way a disruption to or a change in land form. Violations of the conditions of the permit or any unauthorized modification of the permitted structure or activity will be grounds for revocation of the permit. Lakeshore use permits are subject to revocation with thirty (30) days notice if removal of the permitted structure or activity is required to conform with the law, this plan, or the operational procedures of the lake. For brevity, the term "lakeshore use permit" and "permit" shall be used interchangeably.

f. Department of the Army Permits. Permits will be required for the discharge of dredged material or the placement of fill material below the elevation of ordinary high water under the authority of Section 404 of the Clean Water Act. E.P.A. guidelines (40 CFR Part 230) and the Corps public interest review (33 CFR Part 320 et seq.) will be applied when evaluating the permit applications. Lakeshore use permits will not be issued under these circumstances.

g. Real Estate Instruments. Real estate instruments shall cover all commercial development activities and all activities by individuals which are not covered in Sections 8 and 9. All rights-of-way for waterlines, stairways, livestock movement, and watering shall also be included and must be covered by a real estate instrument. Real estate instruments are issued at fair market value.

h. Conditions. Any individual or group wishing to use, change, landscape, build upon, or place upon government property any facility, must obtain written permission through the project office. Plans and specifications for construction of any structure on government lands or waters are required. These documents will include structural design, anchorage methods, construction material, size, location, owner's address and telephone number, and expected duration of use. In addition, required plans and specifications for any alterations or improvements to existing permitted facilities shall be submitted to the Resource Manager before being undertaken.

## 6. PRIVATE MOORAGE FACILITIES.

a. General. All members of the public have an equal opportunity to moorage privileges in limited development areas provided the applicant has public access to government land and that the density of development, as outlined in Paragraph 4.b.(1) Limited Development Areas, has not been exceeded. When the density of moorage development reaches the maximum percentage as determined for the allocated limited development area, permits for new private floating facilities will not be issued and present facilities will not be permitted to enlarge until space becomes available by the cancellation or termination of another docking permit.

b. Basic Minimum Requirements. All private moorage facilities are subject to those conditions which are set forth in both the boat dock application and the Lakeshore Management Plan. Those private docks under valid permit for that one year period immediately preceding the announcement of the general moratorium will continue to be issued lakeshore use permits for their facilities as they were originally constructed. At such times when major repairs or replacement becomes necessary, it then becomes the owner's responsibility to insure that all guidelines and standards for construction of private moorage facilities are strictly adhered too. The Lakeshore Management Plan requirements for private floating structures are as follows:

- (1) Docks shall be of a basic tee, U-shape or of some other similar design which would facilitate the formation of future community docking sites.
- (2) Walkway portions will be at least 32 inches and not more than 48 inches in width.
- (3) Framing will consist of 2 x 6 inch lumber or its equivalent in strength.
- (4) Docks, if painted, will be painted a solid neutral color so as not to detract from, or compete with, the aesthetic appeal of the shoreline.
- (5) Floatation devices must consist of a material that will not sink if punctured. Industrial metal drums, whether filled or otherwise, are considered unacceptable floatation devices for private docks.
- (6) Electric lines, lights, or outlets will not be permitted upon docks unless both state and national electric code standards are strictly adhered to.
- (7) No signs will be erected upon docks. The words "private dock" may be painted on the upper surface of the dock walkways.
- (8) Each section or slip of a community dock shall be identified by the name or number corresponding to those which are recorded on the approved Lakeshore Use application. This is done in order to facilitate compliance inspections and to act as an aid in the identification of dock ownership in the event of storm damage.

(9) Vegetation, on government land, alive or dead, will at no time be used to anchor a dock. Easement property owners are also requested to voluntarily comply with this provision. This action is necessary in order to prevent the destruction of healthy vegetation which could eventually result in the needless erosion of the Tygart Lake shoreline.

(10) Each permittee will post two permit tags on the permitted facility. These tags will be provided by the project office. The tags will be displayed so that they can be visually checked from the shore or by boat.

(11) It is expected that docks will be maintained in a safe state of repair for the entire boating season. Unsafe structures, as determined by the Resource Manager, will be corrected as soon as possible, or the permit will be subject to revocation. At the end of the season, or in no case later than 1 November, all floating facilities must be secured in such a fashion so as to prevent winter ice from causing the structure to break loose from its moorings. Because of Tygart's extremely steep shoreline, docks will be permitted to be stored only on those sections of government land which are located below the summer pool vegetation line. Docks which are not properly secured at the end of the recreation season may be subject to impoundment and disposition in accord with the U.S. Code of Federal Regulations Title 36, Chapter III, part 327.15 (Personal Property).

## 7. VEGETATIVE ALTERATION.

a. Mowing Permits. All previous mowing that was under a current valid permit at the time the general moratorium was announced will be considered for reapplication upon completion of this plan. Guidance for issuance of new mowing permits is as follows:

(1) Mowing and Clearing Permits on Easement Lands. If an authorized representative of the U.S. Government determines that the operation and maintenance of Tygart Lake and/or Tygart Dam is not threatened, clearing or vegetative alteration on easement lands by the property owner will not require a lakeshore use permit.

(2) Mowing Permits in Limited Development Areas. Mowing permits may be issued by the Resource Manager for adjoining landowners to mow an area to the lakeshore to a width of 75 feet or the width of their lot, whichever is the least.

(3) Areas Where Mowing is Restricted. Mowing permits will not be issued in protected areas, recreation areas, future recreation areas or areas designated prohibited access.

8. LICENSED STRUCTURES ISSUED WITHIN LIMITED DEVELOPMENT AREAS AND EASEMENT LANDS.

a. General. Application should be made to the Resource Manager for a license to cover authorized lakeshore uses or facilities other than boat docks or mowing. The Resource Manager will review these applications and forward to the Real Estate Division for approval. There will be a fee associated with issuance of these licenses based upon fair market value of the structure. (Erosion control devices and most structures on easement lands are exempt from these fees).

b. Electric Lines and Light Poles. Light poles and their accompanying electric lines may be licensed where necessary as safety items. Electric lines shall either be buried or strung no lower than 8 feet above the ground and have a shut-off device above the flood pool elevation of 1190. In no case will electric lines or lights be attached to trees. All applicable state and local health and electrical codes shall be adhered to.

c. Steps, Walkways, and Footbridges. Steps, walkways, and footbridges are considered as dock support facilities and will continue to be licensed in limited development and easement areas. These types of support facilities shall be permitted to remain only as long as the dock is in use and under a valid lakeshore use permit.

d. Erosion Control Devices. Erosion control devices may be permitted where bank erosion is causing a problem or endangering adjacent private facilities. The erosion control structure may be of a riprap (stone) type, wooden, placed concrete or masonry. These erosion control devices will require authorization under Section 404 of the Clean Water Act. Plans must be submitted to the Resource Manager before any such work is done on government property. The Resource Manager will forward the request to the District for approval. \*

9. FEES.

a. Private Floating Dock Permits will be issued for a five-year period and the charge for the permit will be \$30 for the five years. This total is based on a \$10 issuance fee (including an initial inspection) plus a \$5 annual inspection fee for the remaining four-year period. This fee is needed to help defray expenses associated with the issuance and administration of the permits and the inspections that are required. Fees will go into effect upon implementation of this plan.

(1) Each unincorporated individual dock, in community dock areas, will be issued a permit and charged a fee of \$30 for a five-year period.

(2) Boat Clubs or Community Area Docks that are incorporated will be issued one dock permit for their group. Accordingly, there will be a charge of \$30 for a five-year period.

b. Mowing Permits will be issued annually. There will be an administrative fee of \$10.00 for issuing a mowing permit. Fees will go into effect upon implementation of this plan.

c. Licenses. There will be a fee associated with issuance of a license from the Real Estate Division based upon what is considered fair market value of the structure being licensed. (Erosion control devices and most structures on easement lands are exempt from these fees).

#### 10. PROHIBITED FACILITIES AND ACTIVITIES.

a. General. All private exclusive uses or facilities which are located on United States Government fee owned land, and are not covered by a valid permit, are prohibited. In order to properly preserve, manage, and protect the Tygart Lake shoreline for present as well as for future generations of recreational users, certain activities must be adequately controlled and in some cases prohibited. Examples include, but are not limited to the following:

(1) Piers. Any type of fixed pier or platform either on the land or extending into the water from the lakeshore is prohibited.

(2) Pilings or Posts. Any type of piling or post driven into the lake bottom for the sole purpose of mooring or tying boats is prohibited.

(3) Tree cutting, pruning, or other forms of vegetative alteration not covered by valid written permission is prohibited.

(4) Sewage or Outfall Structures. Any type of sewage or outfall structure is prohibited.

(5) Fences. Any type of fence or similar structure is prohibited, unless authorized in conjunction with an agricultural lease.

(6) Land Form Modification. Any type of land form modification, excavation or fill, is prohibited unless the modification is in compliance with the approved plans for a permitted activity.

(7) Buoys or Waterway Markers. Privately-owned buoys or waterway markers are prohibited unless under permit by the West Virginia Department of Natural Resources Division of Law Enforcement.

(8) Gardens. Vegetable, flower or rock gardens are prohibited.

(9) Burning. Burning of any materials by private individuals is prohibited on any government-owned lands managed by the Corps of Engineers.

(10) Trash. Accumulation of garbage, trash, refuse, litter or similar materials is prohibited.

(11) Mooring. Boat owners that do not possess a valid lakeshore use permit for a private dock must moor their boats at the public marina or trailer their craft to and from the free public launching ramps. In no case will boats be permitted to be left unattended or temporarily moored, anchored or tied to trees along the Tygart Lake shoreline overnight.

(12) Storage. The construction of outhouses and sheds or the storage of any equipment, supplies or materials on U.S. Government fee owned land is strictly prohibited.

(13) Herbicides. No herbicide may be used for vegetation control.

(14) Painting. Tree trunks, boulders, stumps or rock outcroppings shall not be painted or whitewashed, but remain in their natural condition.

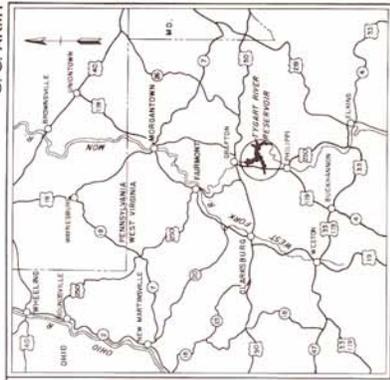
(15) Other. Picnic tables, lawn furniture, ornamental structures and figurines, playground equipment, fireplaces, patios, signs, flag poles, and swim floats will not be permitted.

#### 11. REVIEW.

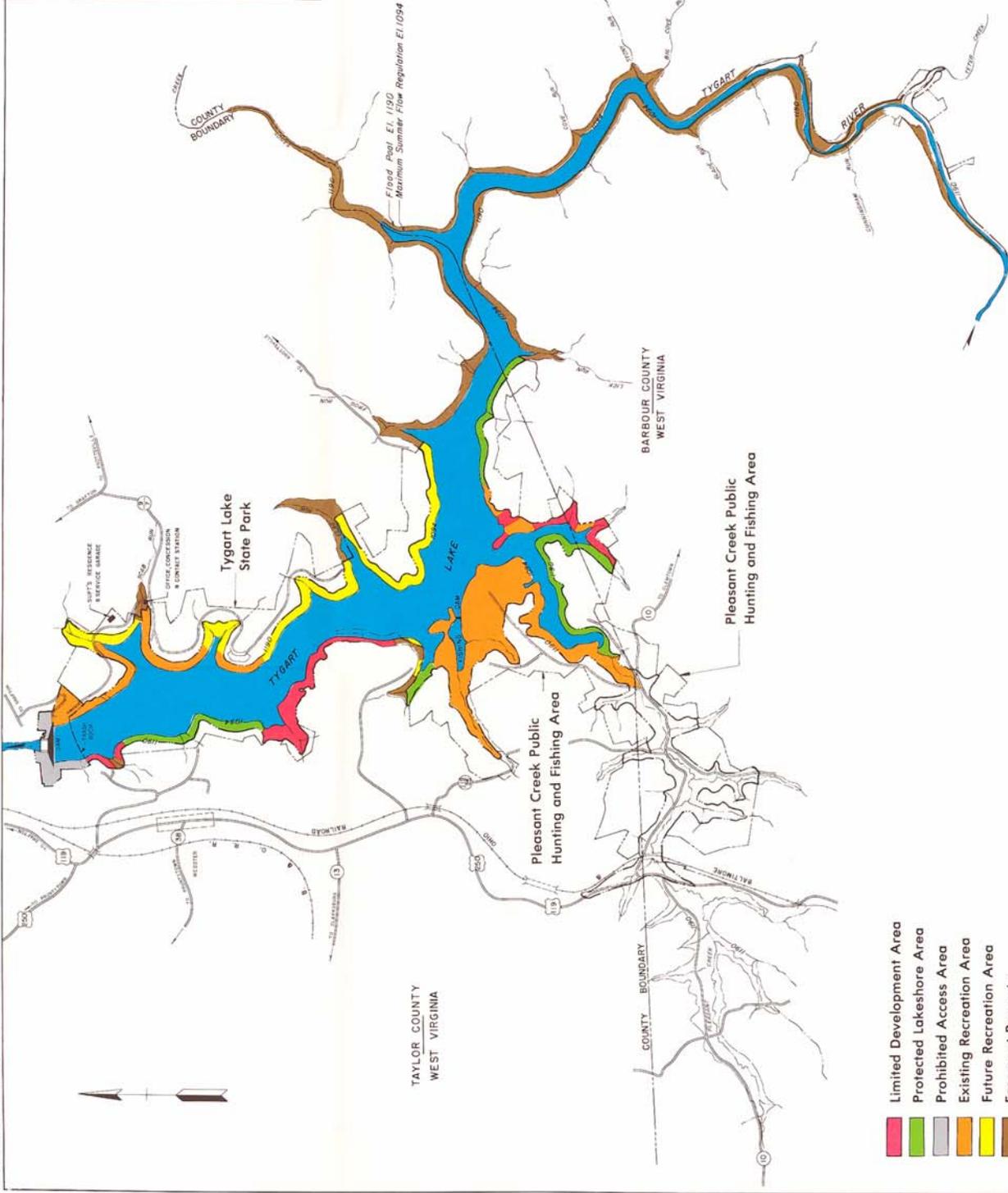
The lakeshore management plan presented in this Appendix is a flexible and working document. The Resource Manager and Ranger will continually monitor the needs of the recreational users of the lake and recommend revisions that will minimize conflicts between various interests. Additional public meetings will be held in advance of recommending any major revision to this plan. The plan will be completely reevaluated and submitted for approval every five years from the date of approval of this plan.

\*

EXHIBIT A  
TYGART LAKESHORE ALLOCATIONS MAP



VICINITY MAP  
SCALE OF MILES  
0 10 20



- Limited Development Area
- Protected Lakeshore Area
- Prohibited Access Area
- Existing Recreation Area
- Future Recreation Area
- Easement Property (Private Property)

**LAKESHORE MANAGEMENT PLAN**  
FOR  
TYGART RIVER LAKE  
TYGART RIVER—WEST VIRGINIA  
LAKESHORE ALLOCATIONS

SCALE IN FEET  
0 1000 2000 4000

U. S. ARMY ENGINEER DISTRICT, PITTSBURGH, CORPS OF ENGINEERS  
OFFICE OF THE DISTRICT ENGINEER, PITTSBURGH, PA. APRIL 1974

EXHIBIT B  
SUMMARY OF APPLICATION PROCEDURES

EXHIBIT B

SUMMARY OF APPLICATION PROCEDURES

Structure or Use	Type of Real Estate Instrument	Where to Apply	Fee	Duration of Instrument	Additional Information
Boat Dock (single)	Permit	Resource Manager	\$30.00	5 years	Plans & Specifications
Boat Dock (Comm.)	Permit	Resource Manager	\$30.00	5 years	Plans & Specifications
Boat Dock (club)	Permit	Resource Manager	\$30.00	5 years	Plans & Specifications
Mowing	Permit	Resource Manager	\$10.00	1 year	Plans & Specifications
Flag Pole	License	Resource Manager	% Of Fair Market Value	variable	Plans & Specifications
Electric Lights & Poles	License	Resource Manager	% Of Fair Market Value	variable	Plans & Specifications
Stairs	License	Resource Manager	% Of Fair Market Value	variable	Plans & Specifications
Erosion Control Devices	License	Resource Manager	---	variable	Plans & Specifications

NOTE: (1) For additional information contact resource manager at the Tygart Dam Office.  
 (2) No fee for licenses issued on easement land.  
 (3) For reference:

Resource Manager  
 Tygart Lake  
 Rt. 1 Box 257  
 Grafton, W. Va 26354  
 Phone: 304-265-1760

**EXHIBIT C**  
**APPLICATION FOR LAKESHORE USE PERMIT**



CONDITIONS OF PERMIT FOR LAKESHORE USE

1. This permit is granted solely for the purpose described by the permittee on the opposite side of this form.
2. The permittee agrees to and does hereby release and agree to save and hold the Government harmless from any and all causes of action, suits at law or equity, or claims or demands or from any liability of any nature whatsoever for or on account of any damages to persons or property, including the permitted facility, growing out of the ownership, construction, operation or maintenance by the permittee of the permitted facilities.
3. The ownership, construction, operation or maintenance of the permitted facility is subject to the Government's navigation servitude.
4. No attempt shall be made by the permittee to forbid the full and free use by the public of all navigable waters at or adjacent to the permitted facility or to unreasonably interfere with navigation in connection with the ownership, construction, operation or maintenance of the permitted facility.
5. The permittee agrees that if subsequent operations by the Government require an alteration in the location of the permitted facility or if in the opinion of the District Engineer the permitted facility shall cause unreasonable obstruction to navigation or that the public interest so requires the permittee shall be required, upon written notice from the District Engineer to remove, alter, or relocate the permitted facility, without expense to the Government.
6. The Government shall in no case be liable for any damage or injury to the permitted facility which may be caused by or result from subsequent operations undertaken by the Government for the improvement of navigation or for other lawful purposes, and no claims or right to compensation shall accrue from any such damage.
7. The ownership, construction, operation and maintenance of the permitted facility is subject to all applicable Federal, State and local laws and regulations.
8. This permit does not convey any property rights either in real estate or material; and does not authorize any injury to private property or invasion of private rights or any infringement of Federal, State or local laws or regulations nor does it obviate the necessity of obtaining State or local assent required by law for the construction, operation or maintenance of the permitted facility.

9. The permittee shall comply promptly with any lawful regulations or instructions of any Federal, State or local agency of the Government.
10. The permittee agrees that he will complete the facility construction action within one year of the permit issuance date. The permit shall become null and void if the construction action is not completed within that period. Further, he agrees that he will operate and maintain the permitted facility in a manner so as to minimize any adverse impact on fish and wildlife habitat, natural environmental values and in a manner so as to minimize the degradation of water quality.
11. At such time that the permittee ceases to operate and maintain the permitted facility, upon expiration of this permit, or upon revocation of this permit, the permittee shall remove the permitted facility within 30 days, at his expense, and restore the waterway and lands to its former condition. If the permittee fails to remove and so restore to the satisfaction of the District Engineer, the District Engineer may do so by contract or otherwise and recover the cost thereof from the permittee.
12. No pier or boathouse is to be used for human habitation. Household furnishings are not permitted on boat piers or boathouses.
13. No houseboat, cabin cruiser or other vessel shall be used for human habitation at a fixed or permanent mooring point.
14. No charge may be made for use by others of the permitted facility nor commercial activity be engaged in thereon.
15. The size of all structures shall be kept to a minimum to limit encroachment on the water surface.
16. Boat mooring buoys and flotation units of floating facilities shall be constructed of materials which will not become waterlogged or sink when punctured.
17. Floating structures are subject to periodic inspection by the Corps rangers. If an inspection reveals conditions which make the facility unsafe in any way or conditions which deviate from the approved plans, such conditions will be corrected immediately by the owner upon receipt of notification. No deviation or changes from approved plans will be permitted without prior written approval of the Resource Manager.
18. Floating facilities shall be securely anchored to the shore in accordance with the approved plans by means of moorings which do not obstruct the free use of the lakeshore.
19. That the display permit tag provided shall be posed on the floating facility or on the land areas covered by the permit so that it can be visually checked with ease in accordance with instructions of the Resource Manager.

20. No vegetation other than that prescribed in the permit may be damaged, destroyed or removed.

21. No change in land form such as grading, excavation or filling may be done.

22. No vegetation planting of any kind may be done, other than that specifically prescribed in the permit.

23. This permit is non-transferable. Upon the sale or other transfer of the permitted facility or the death of the permittee, this permit is null and void.

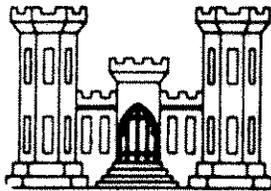
24. By 30 days written notice, mailed to the permittee by registered or certified letter the District Engineer may revoke this permit whenever he determines that the public interest necessitates such revocation or when he determines that the permittee has failed to comply with the conditions of the permit. The revocation notice shall specify the reasons for such action. If within the 30 day period, the permittee, in writing requests a hearing, the District Engineer shall grant such hearing at the earliest opportunity. In no event shall the hearing date exceed 60 days from the date of the hearing request. At the conclusion of such hearing, the District Engineer shall render a final decision in writing and mail such decision to the permittee by registered or certified letter. The permittee may, within 5 days of receipt of the decision of the District Engineer appeal such decision to the Division Engineer. The decision of the Division Engineer shall be rendered as expeditiously as possible and shall be sent to the permittee by registered or certified letter. The permittee may within 5 days of receipt of the decision of the Division Engineer appeal such decision in writing to the Chief of Engineers. The decision of the Chief of Engineers shall be final from which no further appeal may be taken.

25. Notwithstanding condition 24 above if, in the opinion of the District Engineer, emergency circumstances dictate otherwise the District Engineer may summarily revoke this permit.

**EXHIBIT D**  
**SAMPLE PERMIT**

**PERMIT  
01234  
EXPIRES 30 NOV. 1974**

**THIS PERMIT IS NON-TRANSFERRABLE  
AND MAY BE REVOKED AT ANY TIME**



**U.S. ARMY  
CORPS OF ENGINEERS**