



**US Army Corps
of Engineers**
Huntington District

Public Notice

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| In reply refer to: Public Notice No. 200000063 | Issuance Date: April 4, 2000 |
| Application No.: N/A | Expiration Date: April 4, 2005 |
| Address comments to: | US Army Corps of Engineers, Huntington District 502 Eighth Street ATTN: CELRHE Huntington, West Virginia 25701-2070 |

REGIONAL PERMIT FOR RECREATIONAL DOCKS AND PIERS

TO WHOM IT MAY CONCERN: In accordance with Title 33 CFR 325.5(c (1) as published on November 13, 1986, in the Federal Register, Volume 51, Number 219, the District Engineer, U.S. Army Engineer District, Huntington, West Virginia, has issued a regional permit for recreational docks and piers pursuant to Section 10 of the Rivers and Harbors Act.

This regional permit would allow placement of recreational docks and piers along any navigable waterways in the Huntington District, except where excluded by the attached conditions. **PLACEMENT OF FILL, CONCRETE, RIPRAP OR ROCK IN WATERS OF THE UNITED STATES, WHICH INCLUDES WETLANDS, WOULD NOT BE AUTHORIZED.** This regional permit replaces the permit announced in Public Notice 95-19, which expired on March 15, 2000.

Those who wish to install recreational docks and/or piers must submit a written notification to the Corps at least 30 days prior to the initiation of work. The notification must include the following information:

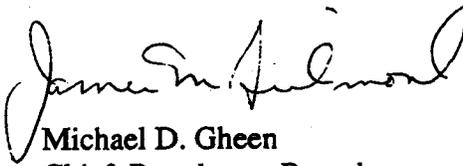
1. Name, address and telephone number of the application;
2. Specific location of the proposed work;
3. Brief description of the proposed activity, indicating whether work will be performed from the shore or from work boats from the river; and
4. Other appropriate information (cultural resources, endangered species, etc.).

The work must meet the conditions and limitations outlined in this public notice to qualify for authorization. The permit will remain in effect for a period of five years unless modified or rescinded.

For further information contact:

U.S. Army Corps of Engineers
Attn: CERLH-OR-F
502 Eighth Street
Huntington, WV 25701-2070

Phone: For Work in Kentucky or Ohio 304-529-5210
For Work in West Virginia 304-529-5710


for Michael D. Gheen
Chief, Regulatory Branch

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CONDITIONS OF THE REGIONAL PERMIT FOR
RECREATIONAL DOCKS AND PIERS

SPECIAL CONDITIONS:

a. The dock an/or pier may not have any closed structure or structure for human habitation. Household furnishings, potable water or electrical hookups, living quarters, sewers, toilets and fueling facilities are prohibited on the dock.

b. The pilings for securing docks or piers will be wood or metal. Metal pilings should be no smaller than three inches in diameter. Galvanized or plated hardware should be used in construction. The dock will be securely anchored to the shore. **Tying docks to trees is prohibited.**

c. Wood materials should be pressure treated. Support beams, dock joists and facings should have a thickness or not less than 1 1/2 inches. The decking and walkway should have a thickness of not less than one inch. All wooden materials should be free of any chemicals that are toxic to aquatic life.

d. The minimum width of the dock will be four feet.

e. Floatation shall be achieved by foam blocks or plastic drums securely attached under the structure. **METAL DRUMS ARE NOT PERMITTED.** Plastic drums must be clean and free of toxic material or residue.

f. The riverward face shall not extend more than 40 feet channelward of the normal pool shoreline, or more than 25% of the stream width, whichever is less. Extensions greater than 40 feet may be allowed by written approval only. The maximum length parallel to the shoreline is 50 feet. Access structures such as stairs, steps or walkways are permitted, however no backfilled structures are allowed.

g. **THIS REGIONAL PERMIT WILL NOT AUTHORIZE:**

1. Structures that will adversely affect navigation. Authorization by this permit was based on a determination that there would be no obstruction to navigation, that under existing conditions in the waterway a possibility exists that the structure may be damaged by wave wash from passing vessels and that unreasonable slowing down of

vessel traffic cannot be required because it would tend to adversely affect navigation. The issuance of the permit should not be construed as relieving the permittee of taking proper steps to insure the structure and boats moored thereto will not be damaged by wave wash normally expected in the waterway.

2. Structures placed in embayments, islands, island backchannels, or in areas considered environmentally sensitive.

3. Structures that would affect historic, cultural or archeological sites listed or eligible for listing in the National Register of Historic Places, unless coordination as required by Section 106 of the National Historic Preservation Office has been completed with the State Historic Preservation Office and the Advisory Council on Historic Preservation. To determine if historic, cultural, or archeological sites have been listed at the proposed site, or are eligible for listing on the National Register, contact the following: FOR WORK IN KENTUCKY, contact the Kentucky Heritage Council at 502-564-6661; FOR WORK IN OHIO, contact the Ohio Historical Society at 614-297-2470; FOR WORK IN WEST VIRGINIA, contact the Division of Culture and History at 304-558-0220.

4. Structures at sites that may affect listed or proposed endangered species or their designated critical habitat, unless consultation under Section 7 of the Endangered Species Act has been completed. To determine if proposed or listed endangered species or their critical habitat is present at the proposed site, contact the U.S. Fish and Wildlife Service. FOR WORK IN KENTUCKY, contact Lee Barclay at 615-528-6481; FOR WORK IN OHIO, contact Kent Kroonemeyer at 614-469-6923; FOR WORK IN WEST VIRGINIA, contact Bill Tolin at 304-636-6586.

5. Structures in designated components of the National or State Wild and Scenic Rivers Systems, a Federal or State designated wildlife management area or at sites included in the National Registry of Natural Landmarks.

6. Structures in area named in Acts of Congress or Presidential Proclamations such as National Wilderness Areas, National Recreation Areas, National Lakeshores, National Parks, National Monuments and such areas as may be established for similar and related purposes.

h. Work proposed in National Rivers Inventory streams must be coordinated with the National Park Service. FOR WORK IN KENTUCKY, contact Joe Cooley at 404-562-3175; FOR WORK IN OHIO, contact Mike Madell at 608-264-5257; FOR WORK IN WEST VIRGINIA, contact Robert Potter at 215-597-1787.

- i. No sunken or sinking vessels are permitted at the site.
- j. All trash, drift, debris, and garbage lodged against the dock or pier will be removed from the river and be disposed of according to state law.
- k. Upon completion of use, the permittee will be responsible for removing all structures and restoring the site to its natural condition prior to construction.
- l. No dock will be placed within the area between the upstream and downstream arrival points or any lock and dam, or within 1500 feet of any emergency-mooring cell at any lock unless it is specifically approved in writing.

GENERAL CONDITIONS:

- a. The activity authorized by this permit must be maintained in good condition and in conformance with the terms and conditions of this permit. Abandonment of the permitted activity will not relieve this requirement, although a good faith transfer to a third party may be made. Cessation of maintenance of the authorized activity or abandonment without a good faith transfer must be authorized by a modification of the permit by this office, which may require restoration of the area.
- b. If any previously unknown historic or archeological remains are discovered while accomplishing the activity authorized by this permit, notification must immediately be made to this office of what has been found. The Corps of Engineers will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort if the site is eligible for listing in the National Register of Historic Places.
- c. Representatives from the Corps of Engineers will be allowed to inspect the authorized activity at any time deemed necessary to insure that it is being or has been accomplished in accordance with the terms and conditions of this Regional Permit.
- d. Further information:
 - 1. Congressional Authorities: This activity has been authorized pursuant to Section 10 of the Rivers and Harbors Act of 1899.
 - 2. Limits of this authorization:
 - (a) This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

(b) This permit does not grant any property rights or exclusive privileges.

(c) This permit does not authorize any injury to the property or rights of others.

(d) This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

(a) Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

(b) Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

(c) Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

(d) Design or construction deficiencies associated with the permitted work.

(e) Damage claims associated with any future modification, suspension or revocation of this permit.

4. Reliance on the applicant's data. The determination of this office that the activity is not contrary to the public interest was made in reliance on the information provided pursuant to the notification requirement. Any change to the description may make the project ineligible for authorization by this regional permit.

5. Reevaluation of the permit decision. This office may reevaluate its decision on the permit at any time that the circumstances warrant. Circumstances that could require a reevaluation includes, but are not limited to the following:

(a) Failure to comply with the terms and conditions of this permit.

(b) The information provided in support of the project description proves to have been false, incomplete, or inaccurate.

(c) Significant new information surfaces that this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CRF 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring compliance with the terms and conditions of the permit and for the initiation of legal action where appropriate. The project proponent will be required to pay for any corrective measures ordered by this office, and for failure to comply with such directive, this office may in certain situations, (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise bill the proponent for the cost.

6. Consent to Easement over and under lands identified as flowage easement is attached, if applicable.

