



# **Public Lake Use and Shoreline Use Permitting Policy**



**May 2006**

**PPL HOLTWOOD, LLC**  
**Lake Wallenpaupack Project (FERC Project No. 487)**

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**APPLICATION FOR SHORELINE USE PERMITS**

**SHORELINE WORK ORDER REQUEST**

## SECTION I – GENERAL INFORMATION

### A. BACKGROUND

PPL Generation, LLC (PPL) created Lake Wallenpaupack in 1926 to supply water to the Wallenpaupack Hydroelectric Station located along the Lackawaxen River. The company owns the lake and most of the lake's shoreline property, and holds a license from the Federal Energy Regulatory Commission (FERC) to manage the lake and abutting lands and to operate the hydroelectric plant. The current operating license for Lake Wallenpaupack was issued by FERC on July 8, 2005. In addition to hydroelectric generation, the FERC license requires PPL to make PPL-owned project lands and waters available for general public recreational uses, to promote the safe use of project lands and waters and to preserve and protect the environmental, cultural and aesthetic character of the project's land and water resources.

Under its FERC license, it is PPL's policy to manage its lands and waters at Lake Wallenpaupack in accordance with federal, state and local laws and ordinances; to protect the scenic, recreational and environmental values of the lake; and to control the uses of its lands and waters to promote their full use and enjoyment by the general public. To that end, PPL has consulted — and will continue to consult with — appropriate law enforcement authorities, governmental agencies and local stakeholders to establish appropriate lake and land use policy, and will continue to establish the means to strictly enforce this policy.

Consistent with its license obligations, PPL reserves the right to take any action necessary, either itself or through any entity or person authorized to act on its behalf, to address and remove any lake use which, in PPL's sole discretion, is inconsistent with this policy. Such actions include, but are not limited to: removing the privilege to use project lands or waters, demanding restitution for any damage to PPL property, prosecuting under the law for violations of any statute, rule, regulation or ordinance; or using any other remedy available to PPL.

To accommodate uses of the lake and PPL property by the general public, PPL maintains a number of designated recreational areas along the lake for public recreation, including picnicking, camping, hiking and other day-use activities. All other PPL-owned lands surrounding the lake, except where specifically posted, are available only for day-use activities and shoreline fishing.

PPL provides the opportunity for members of the public to undertake certain community or organizational events on the lake or PPL property with the express written approval of PPL in the form of a PPL-issued **Day-Use Activity Permit**.

People owning residential property that directly abuts PPL-owned land along the shoreline of the lake, *and that maintain such property for private single-family use*, are also afforded the opportunity to make certain additional private residential uses of PPL property, upon the express written approval of PPL in the form of **Shoreline Use Permits**.

PPL also allows commercial enterprises and community associations that own property that directly abuts PPL-owned land along the shoreline of the lake, *and that maintain such property in combination with an on-site or adjoining commercial enterprise or community development*, to undertake certain commercial or community uses of PPL lands and waters that are consistent with PPL's objective to preserve and promote the scenic, recreational and environmental values of the lake. This is accomplished by entering into a licensing arrangement with PPL.

Residential, commercial or community groups that own lands directly abutting the lake or PPL-owned lands along the lake shoreline are referred to in this policy as "eligible front-lot property owners" or "front-lot property owners."

## **B. PURPOSE**

This document provides the policy of PPL for the use of PPL-owned Lake Wallenpaupack project lands and waters by the general public and by front-lot property owners. This policy defines generally permissible and prohibited uses (See Section II) and other uses that may be made of PPL-owned lands and waters only upon the express written permission of PPL. This written permission may be in the form of:

1. A PPL-issued *Day-Use Activity Permit* (See Section II-D)
2. A PPL-issued *Standard Shoreline Use Permit, or Nonstandard Shoreline Use Permit* (See Section III)

3. A real estate license issued by PPL to eligible front-lot commercial interests or community organizations for commercial or community uses of project lands and waters (See Section V)

### **C. AUTHORITY AND CONTACT INFORMATION**

The July 8, 2005, FERC license grants to PPL the authority to establish policies regarding appropriate uses of its lands and waters that are consistent with its obligations under its license. Article 415 of the license authorizes PPL to permit certain uses of its lands and waters without prior approval by FERC. Other uses may be granted only with specific FERC approval. Appendix A to this policy contains a copy of license Article 415.

Any questions concerning this policy may be addressed to:

Ms. AnnaLisa Black  
Assistant Lake Superintendent  
Lake Wallenpaupack Office  
P.O. Box 122  
Hawley, PA 18428-0122

Phone Number: 570-226-8597  
Fax Number: 570-226-8602  
Email: [ablack@pplweb.com](mailto:ablack@pplweb.com)

Copies of this policy, including permit application forms and licensing request forms, are available at PPL's Lake Wallenpaupack office and on PPL's Web site at:

<http://www.pplweb.com/lake+wallenpaupack/general+information.htm>

## **D. POLICY OBJECTIVES**

This policy has been established to promote the following:

1. Operation of Lake Wallenpaupack and associated lands within FERC license requirements for recreation, safety and environmental protection.
2. Regulation of commercial, recreational and other activities that may occur on Lake Wallenpaupack and associated lands; to promote public safety; to protect environmental features and values; and to permit PPL to carry out its responsibilities and obligations under its FERC license, regardless of whether such responsibilities and obligations are expressed or implied.
3. Establishment of guidelines for all water- and land-based encroachments to meet federal, state and local laws, regulations, rules or ordinances relating to public health, safety and welfare.
4. Regulation of all uses of the lake and associated lands to maximize public use and enjoyment and to minimize public safety concerns.

## **SECTION II – PUBLIC LAKE USE POLICY**

### **A. GENERAL**

The following sections list permissible and prohibited uses of PPL lands and waters at Lake Wallenpaupack by the general public. This information also applies to all front-lot owners. The lists of permissible and prohibited uses describe major uses of the waters and lands and are not intended to cover all activities. Permissible uses must be in accordance with all federal, state and local rules, regulations and licensing, and safety or registration requirements, if applicable.

### **B. PERMISSIBLE USES**

- Private boating in strict accordance with PA Fish and Boat Commission regulations as may be changed from time to time.
- Personal watercraft.
- Fishing/ice fishing (individual) in strict accordance with PA Fish and Boat Commission regulations as may be changed from time to time.
- Ice skating.
- Camping or picnicking in designated recreational areas.
- Walking, hiking or fishing on PPL shoreline property, unless posted by PPL.

### **C. PROHIBITED USES**

- Swimming at PPL recreation areas.
- Vehicles, such as automobiles or trucks, on the ice.
- Living or sleeping overnight on boats.
- Unattended overnight anchorage of boats except at PPL-approved docks or moorings.
- Sea plane landings on weekends or holidays, from noon on the day before the weekend or holiday to 8 a.m. on the day after the weekend or holiday.
- The sale or promotional giveaway of alcoholic beverages on the lake or from PPL property.
- Commercial vessels that sell food or other products over the side to other boaters.
- The use of firearms, bows and arrows or any weapon, except in seasonally designated hunting areas.

- The private discharge of any fireworks.
- Trash/refuse dumping in the water or on PPL-owned lands.
- Any activity in violation of any federal, state or local rule, regulation or ordinance, or that violates license or registration requirements.
- Any other activity that, in the sole opinion of PPL, poses a threat to public safety and welfare, or is otherwise inconsistent with PPL's objective to preserve the scenic, recreational and environmental value of its lands and waters.

#### **D. PERMIT-REQUIRED USES**

PPL allows organized public uses of its lands, waters and facilities by organizations with the prior written permission of PPL via a **Day-Use Activity Permit**. Advanced notification of the event (90 days minimum) is necessary to allow PPL to review the activity and to allow time for the sponsoring organization to acquire and demonstrate compliance with the required insurance and indemnification. Information on procedures to acquire a Day-Use Activity Permit, types of activities permitted and insurance and indemnification requirements are listed in Appendix B.

## SECTION III– RESIDENTIAL SHORELINE USE PERMITS

### A. APPLICABILITY AND GENERAL PROVISIONS

People listed on property deeds as owners of residential property that directly abuts PPL-owned land along the shoreline of the lake, *and that maintain such property for private single-family use*, are also afforded the opportunity to make certain additional private residential uses of PPL property upon the express written approval of PPL in the form of **Shoreline Use Permits**. PPL administers two types of residential shoreline use permits: 1) a **Standard Shoreline Use Permit** that grants to the eligible front-lot owner certain standard uses of PPL’s property on an annual basis as summarized in Section C below, and 2) a **Nonstandard Shoreline Use Permit** that is intended to cover any proposed construction, encroachment or use of PPL lands that may require separate regulatory approval as summarized in Section D below. Neither permit grants to the front-lot owner permission to undertake the prohibited uses and activities described in Section B as follows.

### B. PROHIBITED USES AND ACTIVITIES

PPL prohibits the following uses of its property:

- Deviations from standard uses and encroachments as defined in Section C below without the express written permission of PPL.
- Permanent structures or improvements, except those authorized for shoreline stabilization and protection structures via a Nonstandard Shoreline Use Permit. Prohibited permanent structures include, but are not limited to, buildings, houses, porches, decks or any building extensions, storage sheds, boathouses, paved or concrete walks or driveways, plain concrete walls and steps, drainage piping, game courts and gazebos.
- Paved, concrete or loose stone/gravel roads, boat ramps or parking lots.
- The parking of motorized vehicles except as necessary for the launching and removal of boats or the drop-off and pickup of boating supplies or as needed by people with disabilities.
- Vegetation removals of any sort unless conducted under the direction of a PPL-approved forester or allowed under the Standard Use Permit.
- The raking of leaves into the lake basin, i.e., below the normal high-water mark of the lake.

- Wastewater disposal facilities such as, but not limited to, septic tanks, drain fields, underground pipes and portable toilet facilities.
- The routing of storm-water drainage onto PPL land or into the waters of the lake through open ditches or drains without adequate erosion protection. Any underground pipes will require a separate license agreement or approved right of way, if allowed.
- The discharge of any septic effluent onto PPL land or into the waters of the lake from septic systems or other sources.
- Fences, barriers or other obstructions that limit public access to or segregate PPL land.
- Rail launches for boats or docks.
- The storage of gasoline, oil, propane or other combustible materials.
- The placement of any type of playground equipment such as a swing set or slide on PPL property.
- Any use or activity conducted without prior PPL written permission for that use or activity.
- Any use, activity or encroachment that in PPL's view interferes with the full enjoyment of PPL lands and the lake by neighboring property owners or the general public.
- Any other use that, in the sole opinion of PPL, degrades the scenic, recreational or environmental value of the Lake Wallenpaupack hydroelectric project.

**Prohibited uses now in existence will, in general, not be grandfathered. Such uses must be disclosed to PPL as part of the permit application process.** Exceptions will be documented in Standard Use Permits, and will include a time frame for the removal of the prohibited use from PPL property. If prohibited uses are not removed within the time frame specified, the Standard Shoreline Use Permit will be revoked.

### **C. STANDARD SHORELINE USE PERMITS**

A PPL-approved Standard Shoreline Use Permit issued to the eligible front-lot owner authorizes the installation of the following standard encroachments and activities on PPL property or the lake, unless expressly prohibited and/or additionally limited by PPL in the approved permit:

### Land Encroachments Authorized by a Valid Standard Shoreline Use Permit

- One gravel or loose stone path with wooden or loose stone steps
- One wooden or loose stone patio
- One loose stone fire pit or circle
- Electric wiring, lighting fixtures and utility poles for shoreline lighting
- One flagpole
- A reasonable amount of lawn furniture
- Vegetation removal in strict accordance with the standards provided below (in Section III-C-9)

### Water Encroachments Authorized by a Valid Standard Shoreline Use Permit

Water encroachments include docks, floats and mooring buoys. Size and quantities are dependent on property frontage and available water space. Requirements are detailed in subsequent sections.

#### **1) General Requirements**

Standard land uses are subject to the following additional requirements and specifications:

All standard land encroachments must be located above the normal high-water mark of the lake. The “normal high-water mark” is the level the lake normally reaches by June 1 of each year (Elevation 1187).

In no instance does the granting of a Standard Shoreline Use Permit provide permission to the front-lot owner to install encroachments **below** the high-water mark of the lake. Any work below the normal high-water mark of the lake will require separate regulatory approvals and federal, state and local permits.

All standard encroachments must be installed on the PPL property directly fronting the front-lot owner’s property.

All construction activities shall be in accordance with all applicable laws, building codes, regulations and ordinances. Earth disturbances associated with the construction of the standard encroachments must be kept to a minimum, and in no case shall any work create conditions that would cause erosion on PPL lands or sediment to enter waterways or the lake. The front-lot property owner is responsible for ensuring compliance with all applicable laws, building codes, regulations and ordinances, including any requirements for the preparation of erosion and sediment control plans.

Placement of encroachments on or in intermittent or perennial streams or wetlands on PPL property under a Standard Shoreline Use Permit is strictly prohibited. Placement of encroachments in these areas, or work done in these areas, may be permitted by PPL, but only upon the granting of a Nonstandard Shoreline Use Permit. Work authorized in these areas is closely reviewed and very restricted. Any mitigation required for these activities will be permitted only fronting the front-lot property whose owner is seeking permission for the project requiring mitigation. PPL will not allow the mitigation fronting other properties.

Installation, fabrication and positioning of any standard encroachments on PPL property must be done so as to minimize the removal of live trees or brush from PPL property, and must not hinder the new growth of trees and shrubs.

All standard encroachments constructed of wood must be allowed to naturally weather. Or, they may be painted or stained in brownish tones within one year of construction. Clear preservatives are acceptable.

***Deviations from these standards without the express written approval of PPL will be considered a violation of this policy and steps toward cancellation of the Standard Shoreline Use Permit will be initiated.*** Deviations will generally only be permitted by PPL where an unusual circumstance exists (high public traffic area, where land area is limited, where the terrain is exceptionally steep or rocky or to accommodate the needs of people with disabilities or where a deviation serves to further minimize the effect of the encroachment on PPL lands).

Additional considerations for the standard permitted uses are summarized below.

## **2) Paths**

*One path will be permitted* to provide walking access to the high-water mark of the lake. Front-lot owners currently having more than one path fronting their property are required to allow all but one of the paths to re-naturalize. The path may include landings and steps as specified below. Installation of a new path or maintenance of an existing path is subject to the following:

- The width of the path shall not exceed 5 feet.
- Path surface material must be a nonpermanent, permeable substance such as gravel, loose stone, wood chips, wood ties, etc. Gravel or loose stone used in the construction of the path must be native stone in an approved color, such as bluish-gray.
- In areas where uneven ground exists, a wooden walkway is permitted. Wooden walkways must be installed on-ground and shall not extend more than 2 feet above the existing ground level.
- The path may include landings to cross uneven terrain. The landings shall not exceed 5 feet in width and shall not exceed 10 feet in length.
- PPL does not permit the use of bricks, cinder blocks, pavers, concrete, blacktop, stone or brick set in concrete or mortar as a path material.
- Handrails are permitted where desired. Handrails must be constructed of wood.

### 3) Steps

Steps, either freestanding or incorporated into a permissible path, are permitted to provide walking access to the high-water mark of the lake. Steps may be constructed of wood, loose stone, gravel or wood chips. Installation of new steps or maintenance of existing steps is subject to the following additional conditions:

- Steps shall not exceed 5 feet in width.
- Landings are allowed where necessary. Landings may not exceed 5 feet in width and shall not exceed 10 feet in length.
- Steps are not permitted to extend more than 2 feet above the contour of the ground.
- Handrails are permitted where desired. Handrails must be constructed of wood.
- Gravel or loose stone used in the construction of steps must be native stone in an approved natural color, such as bluish-gray.

### 4) Patios

Front-lot owners are permitted to install and maintain *one* patio on PPL property. Front-lot owners currently having more than one patio fronting their property shall allow all but one patio area to re-naturalize. The permitted patio may be constructed of wood, loose stone, gravel or wood chips.

Installation of a patio or maintenance of an existing patio will be subject to the following additional conditions:

- A wooden patio on PPL property must be located a minimum distance of 50 feet inland from the normal high-water mark of the lake in order to maintain the natural vegetation of the shoreline and to minimize visual intrusion.
- A patio constructed of loose stone, gravel or wood chips may be located closer than 50 feet inland of the normal high water mark of the lake but in no case will any patio be allowed at or below the normal high-water mark.
- PPL does not permit the use of bricks, cinder blocks, pavers, concrete, blacktop, stone or brick set in concrete or mortar as a patio material.
- The maximum permitted size of the patio is 12 feet wide by 14 feet long or a comparable square footage.
- Handrails are permitted around the perimeter. Handrails must be constructed of wood.
- Patios are to be constructed as close to the center of the front-lot property as possible. The only exception to this requirement is to minimize the cutting and removal of live vegetation.
- Wooden patios shall not be more than 2 feet above ground level.
- Patios constructed of loose stone, gravel or wood chips must not extend more than 1 foot above the existing ground level.
- Gravel or loose stone used in the construction of a patio must be native stone in an approved natural color, such as bluish-gray.

#### **5) Loose Stone Fire Pit or Circle**

Eligible front-lot property owners are permitted to install and maintain one loose stone fire pit or fire circle. Installation of a new fire pit or circle or maintenance of an existing fire pit or circle must be in accordance with the following conditions:

- The fire pit or circle must not exceed 4 feet wide by 4 feet long and 1 foot high.
- The fire pit or circle must be constructed of native stone, i.e., bluish-gray in color.
- The fire pit or circle must be constructed without the use of mortar or any permanent bonding material.
- The fire pit or circle must be located so that a fire burned will not damage trees or other vegetation on PPL property.

- Fire pits or circles must not be located below the normal high-water mark of the lake. The burning of any material below the high-water mark of the lake is strictly prohibited.

If the above conditions cannot be met, the fire pit or circle installation is prohibited. An existing pit or circle not meeting these conditions must be allowed to naturally regress or it must be removed.

Any fire burned on PPL property must be contained in a loose stone fire pit or circle. Burning in the fire pit or circle is subject to local ordinances and restrictions. Only natural materials such as leaves and vegetation matter may be burned on PPL property. Any burning of garbage or household waste in the fire circle is strictly prohibited.

#### **6) Electric Wiring, Lighting Fixtures and Poles for Shoreline Lighting**

Poles, lighting fixtures and electrical wiring may be installed for the illumination of a dock, float or mooring buoy or to illuminate the shoreline for walking access. All poles, lighting fixtures and wiring must be in strict accordance with all applicable codes and placed inland of the normal high-water mark of the lake. Lighting fixtures, poles and wiring are subject to the following additional conditions:

- Lighting should be kept to a minimum. PPL at its discretion may require excessive lighting to be removed.
- Poles may not exceed a height of 10 feet unless expressly approved by PPL in writing.
- The attachment of wiring and lighting fixtures to trees on PPL property is strictly prohibited.
- Front-lot owners who currently have wiring and/or lighting fixtures attached to PPL trees are required to remove these attachments when either the wiring or lighting fixtures require replacement. PPL will not permit the attachment of any new wiring or lighting fixtures or replacement wiring or lighting fixtures on PPL trees.

Upon removal of the lighting fixtures and wiring from trees located on PPL property, the holes remaining in trees from the attachment must be filled with horticultural pruning (tree wound) dressing.

#### **7) Flagpoles**

One flagpole is permitted with a valid Standard Shoreline Use Permit. The pole may not exceed a height of 20 feet unless expressly approved by PPL in writing. A flag or flagpole may not be attached to trees on PPL property. Flags or flagpoles already attached to trees on PPL property must be removed.

Upon removal of the flagpole, seal the attachment holes using a horticultural pruning (tree wound) dressing.

#### **8) Lawn Furniture**

PPL permits *reasonable amounts and types of nonpermanent furniture* items to be placed on PPL property for enjoyment of the shoreline. The following items are permissible: lawn chairs, patio chairs, picnic tables, benches, hammocks, lounge chairs, etc. *PPL at its discretion may require excessive furniture to be removed.*

#### **9) Vegetation Removal**

The removal of vegetation on PPL property by others is very restricted. The only unregulated cutting allowed is as part of the Standard Shoreline Use Permit and is described in item a) below. All other vegetation removal requires PPL prior written authorization.

Dead or dangerous trees or limbs that might affect a permanent structure on an adjacent property will be the responsibility of PPL. Following confirmation by an authorized agent, PPL will arrange for removal of the tree or potentially dangerous limbs. This is the only circumstance where a valid Standard Shoreline Use Permit is not required for cutting on PPL property.

Authorization will be granted only to front-lot owners whose Standard Shoreline Use permits are not in violation.

a) Vegetation that is 2 inches in diameter or less AT GROUND LEVEL and is within 1 foot of permitted encroachments may be removed or trimmed with a valid Standard Shoreline Use Permit, upon which allowed encroachments are detailed.

Items described in b) and c) below require separate authorization from PPL.

b) Dead or dangerous trees or limbs that might affect a permitted encroachment must be confirmed by an authorized PPL agent or an approved PPL forester. When confirmed, a permit will be issued to the

eligible front-lot owner authorizing the removal. Front-lot owner is financially responsible for removal, once permit is issued. If danger is not removed within 30 days, the property will not be eligible for permits for the remainder of the current season and the next year. If lot owner does not remove the tree within the applicable time period, PPL will remove the tree and shall be entitled to initiate action seeking legal approval to physically remove all other encroachments from PPL property and to recover any and all costs incurred in removing the tree. PPL shall be entitled to recover all legal fees and costs of suit in connection with such lawsuit.

c) Vista cutting must be requested by the eligible front-lot owner. Prepayment for site inspection to an approved PPL forester by the eligible front-lot owner is required. In return for payment, the front-lot owner will receive a vista cutting permit, if appropriate. The permit issued will be valid for one year from the date of issuance. With the permit, the front-lot owner may have vista cutting done or do it themselves. Cutting must be done in strict accordance with the permit; if cutting is more damaging or outside the controlled permit it will be considered a violation of this policy and may lead to the cancellation of the Standard Shoreline Use Permit, as well as required removal of all encroachments.

d) Additional guidelines pertaining to vegetation and encroachments on PPL property are as follows:

- Patios, pathways and steps shall be placed and oriented where possible to minimize the removal of vegetation.
- PPL holds the eligible front-lot property owner responsible for all work performed on PPL property fronting the owner's property.

## **10) Docks**

A dock is a floating structure connected to the shoreline by a walkway/ramp and is most often used for mooring boats. A Standard Shoreline Use Permit grants to the front-lot owner permission to install **ONE** floating dock along the shoreline, directly fronting the front-lot property. The dock must be positioned as close as possible to the midpoint of the property. If the dock cannot be placed near the centerline, positioning must be done so as to not impose upon the water frontage of adjacent front-lot owners. PPL will not mediate such disagreements. If front-lot owners cannot reach a reasonable compromise, one or both owners may have the Standard Shoreline Use Permits cancelled. A maximum dock length of 50 feet per front-lot property is permitted, unless otherwise limited by PPL in the Standard Shoreline Use Permit.

The following table defines PPL’s allowed standard width for residential docks:

<b>Front-Lot Property Width at the <u>PPL Property Line</u></b>	<b><u>Width of Standard Dock Zone</u></b>
<b>Less than 35 feet</b>	<b>Not allowed without special approval</b>
<b>35 - 39 feet</b>	<b>4 feet</b>
<b>40 - 44 feet</b>	<b>8 feet</b>
<b>45 - 49 feet</b>	<b>12 feet</b>
<b>50 - 59 feet</b>	<b>16 feet</b>
<b>60 - 65 feet</b>	<b>18 feet</b>
<b>66 - 79 feet</b>	<b>20 feet</b>
<b>80 - 89 feet</b>	<b>22 feet</b>
<b>90 - 100 feet</b>	<b>24 feet</b>

PPL may permit the extension of a residential boat dock beyond the standard 50 feet length for shallow water depth concerns. To receive consideration for such an extension, the front-lot owner must apply for a Nonstandard Shoreline Use Permit. Following receipt of the request and payment, PPL will verify the need for the extension and whether there is adequate water space available to accommodate the extension of the dock beyond the standard 50-foot length. The eligible front-lot owner must receive written permission before extending the dock. When approved, dock extensions will become part of the Standard Shoreline Use Permit for the property, subject to lake conditions in subsequent years.

Docks in crowded or narrow areas of the lake (restricted water areas) may be denied by PPL or subject to additional limitations beyond these requirements and those specified below. The additional limitations will be specified by PPL in the written permit when issued.

Docks permitted at Lake Wallenpaupack are subject to the following additional conditions:

- Docks must be positioned so as to be in the center of the front-lot property to which they are permitted. “T” or “L” shaped terminals are permitted but shall not extend beyond the permitted dock width.
- In no case shall docks be installed in the lake so as to interfere with an adjacent owner’s use of the lake.

- All docks shall be securely anchored by means of mooring that does not obstruct the free use of the lakeshore.
- Floatation material for docks shall be such that the dock will not sink when floatation material is punctured or saturated with water. All materials used in the dock construction and anchorage must be in strict accordance with applicable federal, state and local laws, regulations and ordinances.
- Front-lot owners that are issued a PPL Dock Permit are responsible for adjusting their docks in response to fluctuating water levels. Information regarding lake levels may be obtained by calling 1-800-807-2474 or by visiting PPL's Web site at [www.lakelevelppl.com](http://www.lakelevelppl.com).
- PPL's permit number must be displayed on all sections of a permitted dock. The number must be located so as to be visible from a boat on the lake.
- Front-lot property owners are permitted to install a personal watercraft, i.e., Wave Runner, lift or ramp onto permitted docks as long as the ramp or lift does not extend beyond the permitted dock width as described in the Standard Shoreline Use Permit.
- Front-lot owners are responsible for retrieving any of their dock sections found to be floating free on the lake. PPL will attempt to notify the front-lot owner of any dock sections found or reported to the PPL Lake Wallenpaupack Office. If PPL is unable to notify the front-lot owner, PPL may, at its discretion, remove the dock from the water and bill the front-lot owner for the removal cost. The front-lot owner may reclaim dock section(s) after paying the recovery fee. Failure of the front-lot owner to claim the floating dock section, or to pay for the removal of the dock section by PPL, will be considered a violation of this policy and result in cancellation of the standard permit. Further, 60 days after notification, PPL will dispose of dock sections and the front-lot owner will be additionally liable for disposal costs.
- Docks and other floating structures, i.e., floats and mooring buoys, must be removed from the lake by Dec. 1 of each year or prior to the occurrence of ice on the lake. Docks shall not be placed back in the lake prior to April 1 of each year or until all ice has melted from the lake.
- Docks may be stored on PPL property but only above Elevation 1195, and provided that storage space is available without the removal of vegetation.
- Only permitted docks under a valid Standard Shoreline Use Permit may be stored on PPL property.

**11) Floats**

A float is an anchored floating structure completely detached from the shore. Floats are only permitted under a Standard Shoreline Use Permit for those properties having a minimum of 50 feet of frontage at the PPL property line and where there is available water space. PPL will determine if a float may be installed and the maximum permissible size of the float when it reviews the permit application. If PPL deems that a float is permissible for a specific front-lot property, the size of the float permitted will be stated on the Standard Shoreline Use Permit.

Where there is sufficient water space, floats are permitted as follows:

<b>Front-Lot Property Width at the PPL Property Line</b>	<b>Maximum Size Float Permissible</b>
<b>Less than 50 feet</b>	<b>No float allowed.</b>
<b>50 - 75 feet</b>	<b>10 feet wide x 10 feet long or comparable square footage</b>
<b>76 - 100 feet</b>	<b>12 feet wide x 12 feet long or comparable square footage</b>
<b>101 - 200 feet</b>	<b>14 feet wide x 14 feet long or comparable square footage</b>
<b>More than 201 feet</b>	<b>16 feet wide x 16 feet long or comparable square footage</b>

Floats are subject to the following conditions:

- A PA Fish and Boat Commission (PAF&BC) Floating Structures Permit is required prior to placement of a float in the waters of Lake Wallenpaupack because of navigational considerations. The PAF&BC must be contacted directly to acquire a permit.
- All floats shall be securely anchored in a manner that does not obstruct the free use of the lakeshore.
- The PPL permit number must be affixed or stenciled to the front of the float so as to be visible by boat.
- Front-lot owners are responsible for retrieving their float found to be floating free on the lake. PPL will attempt to notify the owner of any float sections found or reported to the PPL Lake

Wallenpaupack Office. If the owner is not accessible or does not respond, PPL may, at its discretion, remove the float from the water and bill the owner for the removal cost. The front-lot owner may reclaim the float after paying the recovery fee. Failure of the front-lot owner to claim the float, or to pay PPL's costs for the removal of the float, will be considered a violation of this policy and result in cancellation of the Standard Use Permits. Further, 60 days after notification, PPL will dispose of the float and the front-lot owner will be additionally liable for disposal costs.

- All floats must be removed from the lake by Dec. 1 each year or prior to the occurrence of ice on the lake. Floats shall not be placed back in the lake prior to April 1 of each year or after all ice has melted from the lake.
- Floats may be stored on PPL property but only above Elevation 1195, and provided that storage space is available without the removal of vegetation.
- Only floats listed on a valid Standard Shoreline Use Permit may be stored on PPL property.

## **12) Mooring Buoys**

A mooring buoy is a floating cylindrical object anchored to the lake bottom and used to secure or moor boats. Mooring buoys are permitted by PPL under a Standard Shoreline Use Permit subject to the following conditions:

- One mooring buoy may be permitted for a residential front-lot property having a minimum frontage at the PPL property line of 50 feet and available water space fronting the property. In order to have a mooring buoy approved by PPL, water space must be sufficient to allow an average-size boat to be placed at the buoy without its use interfering with the adjacent property.
- Residential properties with frontage of 100 feet or more and available water space as determined by PPL may be permitted a second mooring buoy. Unless previously approved, any request for a second mooring buoy must be made as part of a Nonstandard Permit application.
- All mooring buoys must be marked with the permittee's name and permit number and must comply with PA Fish and Boat Commission regulations.

- All mooring buoys must be removed from the lake by Dec. 1 each year or prior to the occurrence of ice on the lake. Mooring buoys shall not be placed back in the lake prior to April 1 of each year or after all ice has melted from the lake.

#### **D. NONSTANDARD SHORELINE USE PERMIT**

A Nonstandard Shoreline Use Permit may be issued by PPL for nonstandard property encroachments, additions or changes to existing encroachments, or work to be done on PPL property that is not covered by a Standard Shoreline Use Permit. Examples of the nonstandard encroachments or work that may be permitted by PPL follows:

- Large stone removal below the normal high-water mark of the lake in order to enhance walking access to a dock.
- Placement of a gravel path below the high-water mark of the lake to provide walking access to a dock.
- The placement of steps below the high-water mark of the lake.
- Lakebed maintenance dredging to maintain adequate water depths at permitted docks.
- Installation of a nonstandard path or road inland of the normal high water mark of the lake.
- Shoreline stabilization and protection structures including shoreline bank stabilization and drainage improvements above or below the high-water mark of the lake.

PPL approval of these types of encroachments or work may be requested through the Nonstandard Permit Application. In most cases, federal, state or local regulatory approval and/or permits will be required before PPL will issue such a permit. A PPL permit must be acquired before any construction may commence on PPL property. A copy of the Nonstandard Permit Application and instructions for completing the application are included in Appendix C.

PPL reviews nonstandard requests on an individual basis. Submittals must contain: a completed Application for Shoreline Use Permits indicating a request for a Nonstandard Shoreline Use Permit, specific construction plans for the proposed encroachment/work including a sketch and photographs of the area where the work is proposed. In addition, PPL must receive the Nonstandard Shoreline Use Permit application fee before PPL will evaluate the request.

The front-lot owner will receive an invoice once PPL is in receipt of the completed application for Shoreline Use Permits indicating a request for a Nonstandard Shoreline Use Permit. PPL will monitor this invoice for payment. PPL will evaluate the request after receipt of payment. A Nonstandard Shoreline Use Permit Application will not be considered if the Standard Permit is cancelled or in violation.

Permission to install any nonstandard property use or perform nonstandard work on PPL property will be subject to the following general conditions.

- Back-blading or leveling of PPL property is prohibited.
- Placing fill upon PPL property is prohibited except as required for access (steps and gravel path), or as part of authorized shoreline stabilization or drainage improvement projects.
- No work may be performed below the existing water level.
- PPL's Lake Wallenpaupack Office must be notified when the work is to begin and when the work is completed.
- All federal, state and local laws, regulations and ordinances must be followed.
- All excavated material must be removed from PPL property.
- Proper erosion and sedimentation control measures shall be instituted during and upon completion of this work.
- The front-lot owner must acquire all necessary permits and approvals from local, state and federal regulatory agencies. All costs associated with the acquisition of these permits are to be born by the front-lot owner.

Additional standards for the nonstandard permitted uses are summarized below.

- **Large stone removal below the normal high-water mark**  
Only loose surface rocks and/or boulders may be removed from the lakebed. Loose surface rocks/boulders are defined as those rocks/boulders that are not embedded in the shoreline surface. Other rocks/boulders may not be excavated.

- **Placement of a gravel path below the high-water mark**

A gravel path below the high-water mark of the lake shall not exceed 5 feet in width.

- **The placement of steps below the high-water mark of the lake**

Steps shall not exceed 5 feet in width and must be constructed of natural stone of an approved color, such as bluish-gray. Mortar may be used in the construction of steps provided that visible surfaces maintain a natural stone aesthetic character.

- **Lakebed dredging to maintain adequate water depths at permitted docks**

Only maintenance dredging of deposited silts and sands will be permitted. *Dredging below the original lake bottom is prohibited.*

- **Installation of a nonstandard path or road inland of the normal high-water mark of the lake**

This may be permitted only where necessary to provide access to the lake for disabled front-lot owners or members of their immediate families. This request typically requires medical verification.

- **Shoreline Stabilization and Protection Structures**

Front-lot property owners may want to install certain structures on PPL lands for the purposes of stabilizing the shoreline in order to maintain the aesthetic character of PPL lands fronting their property. Permission for the installation of these structures will require the submission of a completed PPL Nonstandard Permit Application and engineering plans. In lieu of an engineering plan, PPL may allow sloped and dump rock protection (riprap), dry or mortared stone walls, or dry or mortared stone slope walls, with use of indigenous stone (bluish-gray in color) or vegetative stabilization (bioengineered structures). Details of these structures are provided in the DEP Bureau of Watershed Management General Permit BDWW-GP-3. As with other Nonstandard Property Uses, the front-lot property owner must acquire additional necessary federal, state and local permits prior to receiving PPL permission for these structures. The installation of these structures will be subject to the following additional conditions.

- Structures along the lake shoreline must follow the natural topography of the land.
- Wall construction in the lakebed, with back-filling, for the purpose of lengthening or straightening the shoreline for a front-lot owner's enhanced use will not be permitted.
- All riprap or stone wall material must be local stone in an approved natural color, such as bluish-gray.

- Mortar may be used in the construction of laid-up walls provided that visible surfaces maintain a natural stone aesthetic character.

*When the installation of the shoreline stabilization and protection structures is of mutual benefit to PPL and the front-lot owner, the Nonstandard Shoreline Use Permit application fee will be waived.*

## **E. SHORELINE WORK ORDER INSPECTIONS**

Shoreline work order inspections may be requested by eligible front-lot owners. Typically, such inspections have been requested as part of a home sale.

When a shoreline work order inspection request and appropriate fees are received, PPL coordinates an inspection of the PPL property fronting the specific front-lot to verify its compliance with the Public Lake Use and Shoreline Use Permitting Policy. After the inspection has been completed, a written report will be generated by PPL detailing the results of the findings. The time required to issue the written report will depend on seasonal workloads, but is generally 30 days.

A shoreline work order inspection is initiated by submitting a Shoreline Work Order Request form to the PPL Lake Wallenpaupack Office (see Appendix C). Fees for this service are summarized in the Fee Schedule in Section IV. Upon PPL's receipt of the completed Shoreline Work Order Request form, PPL will mail an invoice to the front-lot owner that requested this inspection. Please make your payment to the name in the address on the return envelope that will accompany the invoice. PPL's Lake Wallenpaupack Office **cannot accept payments of any kind**. This includes charges for permits, shoreline work orders, annual fees or fines.

All inspection work performed by PPL is subject to the disclaimer contained as Article 27 of the Permit Terms and Conditions.

**SECTION IV – ADMINISTRATION OF THE RESIDENTIAL PERMIT PROGRAM**

**A. PERMIT FEE SCHEDULE**

*(All fees are subject to change without prior notice, by posting at the PPL Lake Wallenpaupack Office or on the Internet at: <http://www.pplweb.com/lake+wallenpaupack/general+information.htm>.)*

Day-Use Activity Application Fee	None
Standard Shoreline Use Application Fee	\$150
Annual Standard Use Fees*	
Land Use Fee	\$40 (One land use fee will be charged annually per front-lot property regardless of the number of land uses/encroachments installed.)
Residential Dock Fee	\$30
Mooring Buoy Fee	\$20
Float Fee	\$20
Nonstandard Shoreline Use Permit Application Fee	\$300
<b>Shoreline Work Order Fee</b>	
Residential property	\$175 per property to be inspected
Commercial property or Community Access	\$300 per property to be inspected

\* Where a permit includes more than one use, the annual fee will be calculated by adding the above fees for each use covered by the permit.

**B. PPL ACTIONS IN THE EVENT OF POLICY VIOLATIONS**

The violation of the provisions of or the terms and conditions of the permit will be considered a violation of this policy and may result in the cancellation of the permit. In general, PPL will issue a notice of the violation allowing a 30-day period for correction. After 30 days, if the violation is not corrected or a plan for correction has not been approved by PPL, the front-lot owner will be notified that permits have been cancelled and that all encroachments must be removed from PPL property within an additional 30 days. PPL’s Office of General Council also will be notified of the cancellation. Failure to remove encroachments within 60 days of the initial violation notice will result in the initiation of legal action.

Depending on the nature of the violation(s), PPL may at its sole discretion choose to immediately cancel the permit, or alternatively may grant a reasonable period of time for the front-lot property owner to correct the violation(s).

Failure to make required annual payment within 60 days from the billing date for the Standard Shoreline Use Permit will be considered a violation of this policy and will result in the cancellation of the permit.

A front-lot owner who provides access to others for the purpose of unauthorized vegetation removal on PPL property shall be considered in violation of this policy and subject to cancellation of all permits issued to the front-lot owner.

Upon permit cancellation for any violation of PPL's policies, the front-lot property owner will be required to remove all land and water uses and/or encroachments from PPL property within the time period specified by PPL. Upon resolution of the violation, the front-lot property owner may request another permit by filing an application for the new permit. The front-lot owner will receive a bill for the application fee through the mail. Please make your payment to the name in the address on the return envelope that will accompany the invoice. PPL's Lake Wallenpaupack Office **cannot accept payments of any kind**. This includes charges for permits, shoreline work orders, annual fees or fines. At PPL's discretion it can bar for an extended period of time a front-lot owner who is in violation of this policy from receiving a new permit.

In addition, any person who performed or who initiated unauthorized vegetation removal, or any person whose unauthorized work results in damage to trees or vegetation on PPL property, shall be responsible for compensating PPL for the following:

- The commercial and resource value of the trees removed, pruned or topped as determined by an independent consulting forester.
- The replacement costs (costs for nursery-quality stock and planting) as determined by an independent consulting forester.

- Costs of the independent consulting forester for the aforementioned evaluation and planting plan.
- Costs associated with the maintenance of replacement plantings.
- Other legal fees and court costs.

### **C. CHANGE OF OWNERSHIP AND PERMIT TRANSFERABILITY**

PPL's Standard Shoreline Use Permits *may be transferred without charge* to a new owner upon the sale or transfer of front-lot property, provided the permit is current and valid and the new owner completes and submits an application within 60 days of taking ownership. After 60 days, an application fee will be charged. If additional encroachments are requested with the ownership transfer, separate billing for the encroachment will be issued.

To transfer a permit, a new front-lot property owner must complete Section 1 through 4 of the Standard Shoreline Use Application, then sign and submit the application, along with a copy of the deed evidencing ownership, to the PPL Lake Office. The existing owner remains liable for all fees, costs and obligations under the permit until the permit is properly transferred.

Payment of an application fee is not required when the sole purpose of the application is to transfer a valid existing permit to a new owner and the application is submitted within 60 days of the sale. Upon receipt of the permit transfer request, PPL will process the request and provide the new front-lot property owner with a copy of the permit.

### **D. CANCELLATION OF USES BY THE FRONT-LOT OWNER**

Front-lot property owners may request cancellation of a permit by submitting a written request to PPL indicating their wish to cancel their permit. PPL will grant a permit cancellation only upon the complete removal of the permitted use or encroachment from PPL property. Until the permitted use has been removed from PPL property and cancellation has been granted, the permittee remains liable for payment of the annual fee. Once PPL has granted cancellation of a permit, a new permit application must be submitted before that use can be reinstated. In addition, the application fee must be paid prior to the

permit(s) being reinstated. The front-lot property owner will receive an invoice through the mail. Please make your payment to the name in the address on the return envelope that will accompany the invoice. PPL Lake Wallenpaupack Office **cannot accept payments of any kind**. This includes charges for permits, shoreline work orders, annual fees or fines.

## **SECTION V – COMMERCIAL AND COMMUNITY ASSOCIATION LICENSING**

All front-lot commercial enterprises that desire to use project lands and waters for profit activities are required to enter into a licensing arrangement with PPL for such uses. Community associations that own and manage a front-lot property jointly for multiple residential users and desire to use project lands and waters also are required to enter into a licensing arrangement with PPL. Standard Terms and Conditions of a PPL Licensing Agreement will be included with each license. Commercial enterprises and community associations also will be required under the agreement to provide insurance in accordance with the table in Appendix B-2.

Requests for licensing agreements may be made in writing to:

Mr. Frank M. Gillette  
PPL Electric Utilities Corporation  
Real Estate Services  
Scranton Service Center  
600 Larch St.  
Scranton, PA 18509-2899

Such licensing agreements may be subject to specific FERC approval.

- Permissible uses of project lands and waters will be specified in the licensing agreement on a case-by-case basis. Specific provisions will be detailed in the license agreement.

In establishing the conditions of a license, PPL will take into consideration the distance between a requested commercial or community access dock and adjacent commercial and community access docks when making a determination as to permissibility. In general, docks for any new commercial property or community access area must be located in an unrestricted water area, and must be at least 2,640 feet, as measured over project waters, from the property line of an existing commercial marina or community access area.

**A. Boat Ramps and Roadways**

Roadways are not permitted fronting residential front-lot properties except as necessary to provide access to the lake for people with disabilities. The installation or maintenance of a roadway and boat ramp may be permitted in licensing agreements with commercial or community front-lot owners. Boat ramps and roadways will generally be subject to the following conditions:

- Roads and boat ramps may not run parallel to the shoreline.
- Typically, only one boat-launching ramp will be permitted fronting each commercial facility, marina or community access area, regardless of the amount of property frontage or the number of access areas owned by the same front-lot owner. Removal of or the re-naturalization of additional ramps fronting commercial or community access areas may be required.
- Roadways on PPL property are permitted only to access a permitted boat ramp.
- Roadways will be allowed only above the high-water mark of the lake and must be constructed of loose stone or gravel unless there are Americans with Disabilities Act considerations.
- Ramps extending below the high-water mark of the lake must be constructed of loose stone, gravel or concrete. PPL will not permit the ramp or road to be constructed of macadam or blacktop.
- In order to limit the visual intrusion caused by ramps, all concrete used in construction on new ramps must be colored gray or brown.
- Boat ramps and roadways may not exceed 14 feet in width.

**B. Floats and Mooring Buoys**

Floats will be permitted in front of commercial and community access enterprises where there is sufficient water space so as not to pose a navigational hazard and where they will not interfere with the owner's access on either side of the property. In addition to PPL licensing, floats also must be permitted by the PA Fish and Boat Commission because they are a potential navigation hazard.

Buoy anchorage area permits for commercial enterprises and community access areas that were previously issued by the PA Fish and Boat Commission will be valid until permits for additional docking facilities are issued by PPL. When additional dock slips are permitted, the buoy anchorage area will be reduced by one buoy for one boat slip until the complete anchorage area is depleted. The number of

mooring buoys in existing anchorage areas may not be increased. Additional mooring buoys will *not* be permitted in front of commercial enterprises or community access areas.

**C. Gas-Dispensing Facilities**

Gas-dispensing facilities may be permitted at commercial enterprises. The license for commercial enterprises wishing to sell gasoline will contain provisions granting permission for gas dispensing. Permission for this activity will require submission of proof of required insurance coverages as well as regulatory agency approvals and certifications, such as DEP tank registration certificates and annual Labor and Industry Inspection.

**D. Nonstandard Shoreline Use Permit**

PPL may issue a Nonstandard Shoreline Use Permit to commercial and community access front-lot owners for nonstandard work to be done on PPL property that the Licensing Agreement does not cover. That work and the conditions under which owners may receive a permit are essentially the same as noted above under residential Nonstandard Shoreline Use Permit. You may request PPL approval of these types of work through the Nonstandard Permit Application. In most cases, federal, state or local regulatory approval and/or permits will be required before PPL will issue such a permit. A PPL permit is a requirement before any construction may commence on PPL property. A copy of the Nonstandard permit application and instructions for completing the application are included in Appendix C.

PPL reviews nonstandard requests on an individual basis. Submittals must contain a completed Application for Shoreline Use Permits indicating a request for a Nonstandard Shoreline Use Permit; and specific construction plans for the proposed work including a sketch and photographs of the area where the work is proposed. In addition, PPL must receive the Nonstandard Shoreline Use Permit application fee before PPL will evaluate the request.

The front-lot owner will receive an invoice through the mail once PPL is in receipt of the completed Application for Shoreline Use Permits indicating a request for a Nonstandard Shoreline Use Permit. PPL will monitor this invoice for payment. PPL will evaluate the request after receipt of payment. A

Nonstandard Shoreline Use Permit Application will not be considered if the Standard Permit is cancelled or in violation.

***When the installation of the shoreline stabilization and protection structures is of mutual benefit to PPL and the front-lot owner, the Nonstandard Shoreline Use Permit application fee will be waived.***

## Glossary of Terms

Bioengineered Structure – Logs or wired bundles of cut branches used as an approved method for stabilizing embankments and preventing erosion.

Community Access Area – A front-lot area either owned jointly or by neighboring owners or contractually required as an access area by agreement between the front-lot owner (frequently a residential developer) and the neighboring owners.

Commercial Enterprise/Marina – A business with activities including, but not limited to, the renting or leasing of dock slips to moor boats.

Encroachment – A use, activity or structure occurring on PPL land, or a structure extending from a front-lot property onto PPL land.

Front-lot Property Owner – Owner(s) of land that directly abuts PPL-owned shoreline property at Lake Wallenpaupack.

Normal High-Water Mark – The level the lake normally reaches by June 1 of each year (Elevation 1187).

Permittee – The front-lot owner to whom PPL has issued a permit.

Restricted Water Area – A shoreline area located in a cove, near an island or along Wallenpaupack Creek above the Ledgesdale Bridge. Water and land space in these areas may be limited, which may necessitate special provisions in the PPL Shoreline Use Permit in order to ensure the equitable treatment of all front-lot property owners, protect general public uses and avoid navigation concerns.

Topping – The intentional removal of the main trunk and branches from the top of a tree or shrub.

Unrestricted Water Area – A shoreline area located along the main body of the lake where there is sufficient land and water space to accommodate the standard-size dock and other uses as well as encroachments authorized by a PPL permit or license.

**APPENDIX A**  
**PROVISIONS OF ARTICLE 415 OF THE JULY 8, 2005, FERC LICENSE WITH RESPECT TO THE USE**  
**AND OCCUPANY OF PROJECT LANDS**

**APPENDIX A – PROVISIONS OF ARTICLE 415 OF THE JULY 8, 2005, FERC LICENSE WITH RESPECT TO THE USE AND OCCUPANCY OF PROJECT LANDS**

Article 415. Use and Occupancy.

(a) In accordance with the provisions of this article, the licensee shall have the authority to grant permission for certain types of use and occupancy of project lands and waters and to convey certain interests in project lands and waters for certain types of use and occupancy, without prior Commission approval. The licensee may exercise the authority only if the proposed use and occupancy is consistent with the purposes of protecting and enhancing the scenic, recreational and other environmental values of the project. For those purposes, the licensee shall also have continuing responsibility to supervise and control the use and occupancies, for which it grants permission, and to monitor the use of, and ensure compliance with the covenants of the instrument of conveyance for, any interests that it has conveyed under this article.

If a permitted use and occupancy violates any condition of this article or any other condition imposed by the licensee for protection and enhancement of the project's scenic, recreational or other environmental values, or if a covenant of a conveyance made under the authority of this article is violated, the licensee shall take any lawful action necessary to correct the violation. For a permitted use or occupancy, that action includes, if necessary, canceling the permission to use and occupy the project lands and waters and requiring the removal of any non-complying structures and facilities.

(b) The types of use and occupancy of project lands and water for which the licensee may grant permission without prior Commission approval are: (1) landscape plantings; (2) non-commercial piers, landings, boat docks or similar structures and facilities that can accommodate no more than 10 watercraft at a time and where said facility is intended to serve single-family type dwellings; (3) embankments, bulkheads, retaining walls or similar structures for erosion control to protect the existing shoreline; and (4) food plots and other wildlife enhancement.

To the extent feasible and desirable to protect and enhance the project's scenic, recreational and other environmental values, the licensee shall require multiple use and occupancy of facilities for access to project lands or waters. The licensee shall also ensure, to the satisfaction of the Commission's authorized representative that the use and occupancies for which it grants permission are maintained in good repair and comply with applicable state and local health and safety requirements.

Before granting permission for construction of bulkheads or retaining walls, the licensee shall: (1) inspect the site of the proposed construction; (2) consider whether the planting of vegetation or the use of riprap would be adequate to control erosion at the site; and (3) determine that the proposed construction is needed and would not change the basic contour of the impoundment shoreline.

To implement this paragraph (b), the licensee may, among other things, establish a program for issuing permits for the specified types of use and occupancy of project lands and waters, which may be subject to the payment of a reasonable fee to cover the licensee's costs of administering the permit program. The Commission reserves the right to require the licensee to file a description of its standards, guidelines and procedures for implementing this paragraph (b) and to require modification of those standards, guidelines or procedures.

(c) The licensee may convey easements or rights-of-way across, or leases of, project lands for: (1) replacement, expansion, realignment or maintenance of bridges or roads where all necessary state and federal approvals have been obtained; (2) storm drains and water mains; (3) sewers that do not discharge into project waters; (4) minor access roads; (5) telephone, gas and electric utility distribution lines; (6) non-project overhead electric transmission lines that do not require erection of support structures within the project boundary; (7) submarine, overhead or underground major telephone distribution cables or major electric distribution lines (69-kV or less); and (8) water intake or pumping facilities that do not extract more than one million gallons per day from a project impoundment. No later than Jan. 31 of each year, the licensee shall file three copies of a report briefly describing for each conveyance made under this paragraph (c) during the prior calendar year, the type of interest conveyed, the location of the lands subject to the conveyance, and the nature of the use for which the interest was conveyed.

(d) The licensee may convey fee title to, easements or rights-of-way across, or leases of project lands for: (1) construction of new bridges or roads for which all necessary state and federal approvals have been obtained; (2) sewer or effluent lines that discharge into project waters, for which all necessary federal and state water quality certification or permits have been obtained; (3) other pipelines that cross project lands or waters but do not discharge into project waters; (4) non-project overhead electric transmission lines that require erection of support structures within the project boundary, for which all necessary federal and state approvals have been obtained; (5) private or public marinas that can accommodate no more than 10 watercraft at a time and are located at least one-half mile (measured over project waters) from any other private or public marina; (6) recreational development consistent with an approved report on recreational resources of an Exhibit E; and (7) other uses, if: (i) the amount of land conveyed for a particular use is five acres or less; (ii) all of the land conveyed is located at least 75 feet, measured horizontally, from project waters at normal surface elevation; and (iii) no more than 50 total acres of project lands for each project development are conveyed under this clause (d)(7) in any calendar year.

At least 60 days before conveying any interest in project lands under this paragraph (d), the licensee must submit a letter to the Director, Office of Energy Projects, stating its intent to convey the interest and briefly describing the type of interest and location of the lands to be conveyed (a marked Exhibit G map may be used), the nature of the proposed use, the identity of any federal or state agency official consulted, and any federal or state approvals required for the proposed use. Unless the Director, within 45 days from the filing date, requires the licensee to file an application for prior approval, the licensee may convey the intended interest at the end of that period.

(e) The following additional conditions apply to any intended conveyance under paragraph (c) or (d) of this article: (1) Before conveying the interest, the licensee shall consult with federal and state fish and wildlife or recreation agencies, as appropriate, and the State Historic Preservation Officer; (2) Before conveying the interest, the licensee shall determine that the proposed use of the lands to be conveyed is not inconsistent with any approved report on recreational resources of an Exhibit E; or, if the project does not have an approved report on recreational resources, that the lands to be conveyed do not have recreational value; (3) The instrument of conveyance must include the following covenants running with the land; (i) the use of the lands conveyed shall not endanger health, create a nuisance, or otherwise be incompatible with overall project recreational use; (ii) the grantee shall take all reasonable precautions to ensure that the construction, operation and maintenance of structures or facilities on the conveyed lands will occur in a manner that will protect the scenic, recreational and environmental values of the project; and (iii) the grantee shall not unduly restrict public access to project waters; (4) The Commission

reserves the right to require the licensee to take reasonable remedial action to correct any violation of the terms and conditions of this article for the protection and enhancement of the project's scenic, recreational and other environmental values.

(f) The conveyance of an interest in project lands under this article does not in itself change the project boundaries. The project boundaries may be changed to exclude land conveyed under this article only upon approval of revised Exhibit G drawings (project boundary maps) reflecting exclusion of that land. Lands conveyed under this article will be excluded from the project only upon a determination that the lands are not necessary for project purposes, such as operation and maintenance, flowage, recreation, public access, protection of environmental resources, and shoreline control, including shoreline aesthetic values. Absent extraordinary circumstances, proposals to exclude lands conveyed under this article from the project shall be consolidated for consideration when revised Exhibit G drawings would be filed for approval for other purposes.

(g) The authority granted to the licensee under this article shall not apply to any part of the public lands and reservations of the United States included within the project boundary.

**APPENDIX B-1**  
**INSTRUCTIONS AND APPLICATION FOR DAY-USE ACTIVITY PERMIT**

**APPENDIX B-1 – INSTRUCTIONS AND APPLICATION FOR DAY-USE ACTIVITY PERMITS**

Individuals or organizations wishing to conduct a group or organizational event on PPL lands or waters at Lake Wallenpaupack must complete and sign the following application for a Day-Use Activity Permit and submit it to PPL’s Lake Wallenpaupack Office at least 90 days prior to the proposed event. PPL anticipates a 30-day review time to process applications. PPL will review requests and send the organization sponsor the required indemnification forms and insurance needs to acquire an approved Day-Use Activity Permit. When signed by the organizational sponsor and countersigned by an authorized PPL representative, the Use Agreement will serve as the Day-Use Activity Permit for the event. **THE APPLICATION IS NOT THE PERMIT.** Typical insurance amounts required for specific activities are presented in APPENDIX B-2. (Insurance levels as presented herein are subject to change without notice.)

Within 15 days of the event, the sponsor must present the Use Agreement, with authorized signature, and proof of insurance (if required) to the PPL Lake Office. If insurance and indemnification requirements are in order, the Use Agreement will be countersigned by the authorized PPL representative. A signed copy will then be returned to the representative to serve as a Day-Use Permit and proof of PPL authorization. When individual indemnification is required, all participants in the event are required to sign a copy of the Participant Permission Form provided with the application. Event organizers must submit the signed Participant Permission forms to PPL within two business days of the start of the event. Examples of the Use Agreement, Participant Permission Form and Insurance Requirement Form are presented in APPENDIX B-3

**APPLICATION FOR DAY-USE ACTIVITY PERMIT**

Organization:	
Address:	
Authorized Representative:	
Title:	
Daytime Phone:	
Activity:	
Activity Location:	
Activity Date:	

Received by (PPL Authorized Agent):

\_\_\_\_\_ Date: \_\_\_\_\_

**APPENDIX B-2  
ACTIVITIES AND TYPICAL INSURANCE AND INDEMNIFICATION  
REQUIREMENTS**

Item	Types of Activities	Insurance Types	Amount of Insurance	Indemnification Requirements <sup>1</sup>	
1	Fishing tournaments		None	Use agreement	
2	Motor boat races / regattas	General Liability	\$3.0M	Use agreement and permission form	
3	Sail boat races / regattas	General Liability	\$1.0M	Use agreement and permission form	
4	Public fireworks displays	General Liability	\$5.0M	Use agreement	
5	Community celebrations and block parties	General Liability. (Higher General Liability with Host Liquor Endorsement, if alcohol served)	\$0.5M (\$10M, and host Liquor Endorsement, when alcohol served)	Use agreement	
6	Foot races	General Liability	\$0.5M	Use agreement and permission form	
7	Bike races	General Liability	\$0.5M	Use agreement and permission form	
8	Triathlons	General Liability	\$0.5M	Use agreement and permission form	
9	Ice fishing tournaments	General Liability	\$3.0M	Use agreement and permission form	
10	Ice boat races	General Liability	\$3.0M	Use agreement and permission form	
11	Tour boats	Hull, Protection and Indemnity - Amounts Vary	Varies <sup>2</sup>	Covered under a Real Estate License	
12	Seaplane landings <sup>3</sup>	General Liability	\$5.0M	Use agreement	
13	Commercial and community access	General Liability Vehicular Workman's Comp.	\$2.0M / \$1.0M / \$0.5M	Covered under a Real Estate License	
	-- Gasoline dispensing (commercial) <sup>4</sup>	General Liability Vehicular Workman's Comp Pollution Legal Liability	\$5.0M / \$1.0M / \$0.5M / \$1.0M (Alternate amounts to Item 13 above with gasoline dispensing)	Covered under a Real Estate License	
	--Septic pump out for boats (commercial) <sup>5</sup>	Pollution Legal Liability	\$1.0M	Covered under a Real Estate License	
14	Category B - Children's events	--	--	--	
	-- WELC Facility use (day camps, science lab, etc)	General Liability	\$0.5M	Use agreement and permission form	
	-- Environmental dock	General Liability	\$0.5M	Use agreement and permission form	
	-- Lake Cleanup projects	General Liability	\$0.5M	Use agreement and permission form	
	-- Overnight camping (locations other than the 4 PPL recreation areas and PPL campground)	General Liability	\$0.5M	Use agreement and permission form	
	-- Station and dam tours		None	None	
15	Commercial uses (filming, photography, etc.)	General Liability Vehicular Workman's Comp	\$2.0M / \$1.0M / \$0.5M	Use agreement	

		<b>NOTES:</b>			
		1 -- Indemnification is achieved either through RULWA protection, by the Sponsoring Organization only (Use Agreement) or by the Sponsoring Organization (Use Agreement) and Participants (Permission Form).			
		2 -- Requirements are determined on a case-by-case basis. Need to know size of vessel (length x width), gross tons, number of people, crew size, alcohol served (sales and promotional giveaways of alcohol are prohibited), restrooms on board, fuel capacity, and type of fuel, (e.g. cooking fuel).			
		3 -- Seaplane landings are not allowed from noon the day before a weekend or holiday until 8 a.m. the day after the weekend or holiday.			
		4 -- With gasoline dispensing, a higher General Liability insurance limit is required, as shown. Pollution legal liability is currently required for above-ground tanks only.			
		5 -- Septic pump out facilities for boats have this additional insurance requirement. Sites with septic pump out and gasoline dispensing facilities may be able to provide coverage through the Pollution Legal Liability insurance, which is required for the gasoline facilities.			

**APPENDIX B-3  
SAMPLE USE AGREEMENT, PERSONAL PERMISSION FORM AND INSURANCE  
REQUIREMENTS**

## USE AGREEMENT

Effective Date:	
Organization:	
Address:	
Authorized Representative:	
Title:	
Activity:	
Activity Location:	
Activity Date:	

This Use Agreement (the “Agreement”), dated as of the Effective Date, is between PPL Holtwood, LLC (“PPL”) and Organization. PPL owns certain facilities and land, including the Activity Location. Organization desires to use the Activity Location in connection with the Activity on the Activity Date. PPL is willing to agree to such use upon the terms and conditions set forth in this Agreement. PPL and Organization hereby agree as follows:

1. **PPL Property.** PPL gives the Organization the non-exclusive right to use the Activity Location and related PPL land and facilities (the “PPL Property”) in connection with the Activity on the Activity Date.
2. **Release.** Organization hereby releases and forever discharges PPL, its affiliates and their respective directors, officers, employees, agents, successors and assigns (“PPL Parties”) from all claims, demands and causes of action that Organization may now have, or that may accrue to Organization in the future, whether known or unknown at the time this form is signed, arising out of or connected with the Activity.
3. **Indemnity.** Organization will indemnify PPL Parties for any loss or liability, including the costs of settlements, judgments, damages and expenses including reasonable attorneys fees, from all losses, damages and claims (“Claims”), at law or in equity, whether based on statute or regulation or on theories of contract, tort, negligence, strict liability or otherwise, which are brought by or on behalf of anyone other than PPL Parties or Organization for injuries or damages to persons or property arising from or in any manner relating to the Activity, whether arising from or relating to acts or omissions solely of Organization or arising from or relating to acts or omissions of both Organization and PPL Parties. Organization will defend, at its own expense and with counsel acceptable to PPL, any suit or action brought against PPL Parties based upon any Claims, whether arising from or relating to acts or omissions of PPL Parties or arising from or relating to acts or omissions of both Organization and PPL Parties.
4. **Participant Permission Forms.** Organization agrees to obtain from each person using the PPL Property in connection with the Activity (“Participant”) a signed Participant Permission Form in the form

set forth as Attachment A. For those Participants who are under 18 years of age, Organization shall require a parent or guardian to sign the Participant Permission Form. Organization agrees to provide the original copy of all the Participant Permission Forms no later than 2 business days following the start of the Activity.

5. Insurance. Organization agrees to obtain and maintain the insurance described in the Attachment B. Organization agrees that such insurance policies shall (a) include the PPL Parties as additional insureds and (b) provide that each underwriter waives its rights of recovery, under subrogation or otherwise, against any PPL Parties. Organization agrees to furnish PPL evidence of the minimum insurance coverage required under this Section within 15 days of the effective date of this Agreement.

6. Miscellaneous. PPL may terminate this Agreement effective immediately upon notice. Upon termination, Organization shall immediately terminate the Activity if it has already begun. Sections 2, 3, 5, and 6 shall survive any termination of this Agreement. Organization may not assign, delegate or otherwise transfer this Agreement or any of its rights and obligations hereunder without PPL's prior written approval. Any attempt to do so without PPL's approval will be void. The invalidity, illegality or unenforceability of any provision of this Agreement shall in no way affect the validity, legality or enforceability of any other provision. No failure or delay on the part of PPL to exercise any right or remedy specified herein shall be construed as a waiver of such remedy or right, unless said waiver is written. This Agreement shall be governed and construed in accordance with the laws of the Commonwealth of Pennsylvania, without regard to its conflicts of law rules. No provisions of this Agreement may be modified or waived without the prior written consent of both parties. This Agreement constitutes the entire understanding of the parties with respect to the subject matter hereof and supersedes all proposals, written or oral, and all other communications between the parties relating to the subject matter of this Agreement.

By signing below, PPL and Organization agree to the terms and conditions of this Agreement as of the Effective Date.

PPL Holtwood, LLC

Organization: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Not a valid Day-Use Permit unless signed by authorized representative from PPL.

## PARTICIPANT PERMISSION FORM

Name of Participant:	
Address:	
Name of Parent/Guardian (if Participant is under 18):	
Organization:	
Activity:	
Activity Date:	

You (the Participant named above) have requested to participate in the Activity on property owned by PPL Holtwood, LLC (“PPL”). In exchange for permission from PPL for the Activity to take place on PPL property, you agree to the following:

You hereby release and forever discharge PPL, its affiliates and their respective directors, officers, employees, agents, successors and assigns (“PPL Parties”) from all claims, demands and causes of action that you, your representatives or your family may now have, or that may accrue in the future, whether known or unknown at the time of this Release, arising out of or in any manner relating to the Activity.

You agree to indemnify PPL Parties for any loss or liability, including the costs of settlements, judgments, damages and expenses including reasonable attorneys fees, from all losses, damages and claims (“Claims”), at law or in equity, whether based on statute or regulation or on theories of contract, tort, negligence, strict liability or otherwise, which are brought by or on behalf of anyone other than PPL Parties or you for injuries or damages to persons or property arising from or in any manner from your acts or omissions relating to the Activity, whether arising from or relating solely to your acts or omissions or arising from or relating to acts or omissions of both you and PPL Parties. You will defend, at your own expense and with counsel acceptable to PPL, any suit or action brought against PPL Parties based upon any such Claims, whether arising from or relating to acts or omissions of PPL Parties or arising from or relating to acts or omissions of both you and PPL Parties.

This Participant Permission Form is governed by and construed in accordance with the laws of the Commonwealth of Pennsylvania without regard to its rules regarding conflicts of laws. By signing below, you agree (or your parent/guardian agrees on your behalf if you are under 18) to be bound by the terms and conditions.

Participant (or Parent/Guardian if Participant is under 18):

By: \_\_\_\_\_

(Signature)

Name: \_\_\_\_\_

Date: \_\_\_\_\_

## **INSURANCE REQUIREMENTS**

Permittee shall maintain at its expense during the time frame covered by the Day-Use Permit, the minimum insurance coverage's set forth below, (i.e. Required Coverage's), with insurance companies having an A.M. Best rating of 'A-' or better and financial strength category of VIII or higher.

Evidence of Required Coverages is required and a certificate of insurance acceptable to Company shall be furnished to Company's Authorized Representative within fifteen (15) days of the event. Certificates should provide at least 30 days' notice to PPL of any modification or termination of the policies or its terms and conditions.

All insurance policies shall include PPL Holtwood LLC as an Additional Insured.

Any General Liability coverage required shall be written on an occurrence basis and all Required Coverages shall be in full force and effect during the permit term.

Policies shall contain endorsement (if terminology is not in printed form) that permittee's policy shall be primary in all instances regardless of what, if any, like coverages are carried by Company.

Permittee's liability under this Contract shall not be limited to the Required Coverages.

The required insurance certificate must be submitted to PPL's Lake office at the following address:

Ms. AnnaLisa Black  
Assistant Lake Superintendent  
Lake Wallenpaupack Office  
P.O. Box 122  
Hawley, PA 18428-0122

Phone Number: 570-226-8597

Fax Number: 570-226-8602

E-mail: [ablack@pplweb.com](mailto:ablack@pplweb.com)

**APPENDIX C**  
**APPLICATIONS AND INSTRUCTIONS FOR STANDARD AND NONSTANDARD**  
**SHORELINE USE PERMITS AND SHORELINE WORK ORDER INSPECTIONS**

## **APPENDIX C – APPLICATIONS AND INSTRUCTIONS FOR STANDARD AND NONSTANDARD SHORELINE USE PERMITS AND SHORELINE WORK ORDER INSPECTIONS**

### **Standard Shoreline Use Permits**

The following steps are required for a front-lot property owner to secure a PPL Standard Shoreline Use Permit. Note that the PPL Lake Wallenpaupack Office **cannot accept payments of any kind**. This includes charges for permits, shoreline work orders, annual fees or fines.

1. The front-lot owner(s) must fully complete and sign the application. The front-lot property owner(s) must specify the types of uses (Standard Land Use, Dock, Float and Buoy) to be made under the permit, which will be used to establish the annual fee. The applicant must provide all information requested in the Permit Application.
  - When used to transfer valid permits with change of property ownership and no changes to existing permits - complete Section A, 1 through 5, and Section E. Complete Sections C and D where applicable. No application fee is required if transfer request is received within 60 days of ownership change.
  - When used to transfer valid permits with change of property ownership but changes to the permit are necessary - complete section A, B and E. Complete Sections C and D where applicable. No application fee is required for the transfer of Standard permits if transfer request is received within 60 days of ownership change; however, fees for additional encroachments will apply.
  - When submitted by a new residential owner beyond a 60-day change of ownership or to re-instate cancelled permits - complete sections A through E of the application as applicable. An application fee applies.

In the case of multiple owners, all legal owners of the front-lot property must sign the Permit Application. In this case, a copy of the written permit will be mailed to the one co-owner that is specified as the contact person on the Application document.

2. The Front-lot property owner(s) submits the completed permit application to the PPL Lake Wallenpaupack Office.
3. Upon receipt of the application, PPL reviews the application for completeness, ensures that the requested encroachments conform to this policy and verifies that there are no unresolved violations. Incomplete applications will be returned to the front-lot property owner for required additional information. Clarification may be requested by phone. Applications will be rejected if requested items do not comply with the Policy, or if there are unresolved violations associated with the property. An explanation for the rejection and remedial actions will accompany the returned application.
4. If application is complete and there is nothing requested that is in violation of the Public Lake Use and Shoreline Use Permitting Policy, an invoice will be generated. Payment is to be mailed to PPL at the address on the envelope provided. When payment is confirmed, a Standard Shoreline Use Permit will be issued with Conditional Approval. Conditional Approval will be interpreted as permission to place requested encroachments that conform to the requirements of this policy. As part of the processing of

the application, PPL may elect to perform an on-site inspection prior to acting on the permit application. PPL may require that the front-lot property owner participate in that on-site inspection.

5. Permit will become valid after completion and documentation during a periodic inspection. PPL will inspect a certain portion of front-lot properties each year. If, in the course of that inspection, violations are identified, the front-lot owner will receive written notification.
6. PPL reviews all documentation submitted to ensure compliance with PPL's Policy.
7. PPL may approve or deny any uses requested in the permit application in whole or in part, and will so notify the front-lot property owner. If approved, a printed copy of the permit will be mailed to the front-lot property owner(s) at the address provided in Section 1 of the permit application. The permit issued may contain terms that differ from this Public Lake Use and Shoreline Use Permitting Policy. In that case, the terms of the permit control the use.
8. If a Standard Shoreline Use Permit is granted, PPL will mail an invoice to the front-lot owner at the address provided in Section 1 of the Permit Application. Payment is due within 30 days of the billing date.
9. Thereafter, an annual invoice will be mailed to the front-lot property owner at the address provided in Section 1 of the Permit Application during the first quarter of each year. Standard Shoreline Use Permits are renewed upon the receipt of payment by PPL. **Permittees will not receive new printed copies of their permits annually.**

The front-lot owner must notify PPL in writing of all address and/or phone number changes. Failure of the front-lot owner to notify PPL of a mailing address or phone number change will not relieve the front-lot property owner of the timely payment of permit fees.

### **Nonstandard Shoreline Use Permits**

A Nonstandard Shoreline Use Permit is required before all nonstandard property uses/encroachments, i.e., shoreline stabilization and protection structures, installation of boat launching ramps, etc., are constructed on PPL property at Lake Wallenpaupack. The following steps are required for a front-lot property owner to secure a PPL Nonstandard Shoreline Use Permit.

Always complete sections A, C and E of the application. Complete Section D as applicable. Include sketches, drawings or prints and photographs of the proposed encroachment and mail them to the PPL Lake Wallenpaupack Office. The owner must acquire additional permits from local, state or federal agencies and disclose them after the submittal of the application. Once in receipt of the application, PPL will mail an invoice to the front-lot owner for the application fee. PPL will not process the application until in receipt of the application fee. PPL will monitor this invoice for payment. PPL will evaluate the request after receipt of payment. Work is not to begin until PPL issues the Nonstandard Shoreline Use Permit. PPL will not issue this permit until provided proof of other agency permits and it is not transferable.

1. The front-lot owner(s) must fully complete and sign the written Nonstandard Shoreline Use Permit Application. The front-lot property owner(s) must specify the types of uses to be made under the permit and provide a full description of the work to be done to install that use. The applicant must

provide all information requested in the Permit Application, including construction plans and supporting documentation as noted in the Application.

In the case of multiple owners, all legal owners of the front-lot property also must sign the Permit Application. In this case, a copy of the written permit will be mailed to the one co-owner that is specified as the contact person on the Application document.

2. The front-lot property owner(s) submits the completed Nonstandard Permit Application and supporting documentation to the PPL Lake Wallenpaupack Office. Upon receipt of the application, PPL will review the application for completeness, ensure that the requested encroachments conform to this Policy and verify that there are no unresolved violations. PPL will return incomplete applications to the front-lot property owner for required additional information. PPL will reject applications if requested items do not comply with the Policy or if there are unresolved violations associated with the property. An explanation for the rejection and remedial actions will accompany the returned application.
3. Upon completion of this review, PPL will mail an invoice to the front-lot owner at the address provided in Section 1 for the cost of the Permit Application. PPL will send a package of information detailing additional requirements and communications following confirmation of payment. PPL will not process a Nonstandard Shoreline Use Permit Application until it confirms receipt of payment of the application fee.
4. As part of the processing of the application PPL may elect to perform an on-site inspection prior to acting on the permit application. PPL may require that the front-lot property owner participate in that on-site inspection.
5. Upon fulfillment of all requirements for a Nonstandard Shoreline Use Permit, a printed copy of the permit will be mailed to the front-lot property owner(s) at the address provided in Section 1 of the Permit Application. The permit issued may contain terms that differ from this Public Lake Use and Shoreline Use Permitting Policy. In that case, the terms of the permit control the use.
6. Whenever possible, after completion of the work covered by a Nonstandard Shoreline Use Permit, the encroachment created by that work will be then listed on the front-lot owner's Standard Shoreline Use Permit. (For example, if a front-lot owner acquires PPL permission for a Nonstandard use such as the installation of a wall located along the shoreline embankment for the control and prevention of erosion, permission for the wall will be added to the front-lot owner's Standard Permit after the wall has been installed. Typically, an **annual** fee will not be charged for encroachments completed under approved Nonstandard Shoreline Use Permits.

### **Shoreline Work Order Request**

Complete sections 1 through 4 and submit to the PPL Lake Office.

**APPLICATION FOR SHORELINE USE PERMITS**

**STANDARD AND NONSTANDARD**

**PART A – GENERAL AND PROPERTY INFORMATION**

<b>1. Owner and Billing Address</b>		<b>4. Transfer Request</b>
Name		<i>Check here if requested</i> <input type="checkbox"/>  Attach copy of deed evidencing transfer.
Street Address		
City and State		
ZIP Code	Daytime Phone	
E-mail Address	Home Phone	
Fax Number	Lake Phone	

<b>2. Front-lot Property Location</b> (If full-time residence check here) <input type="checkbox"/>		<b>5. Property Information</b>
Development or Area		Parcel Tax Number: _____
Lot #		
Street or Road Name		Electric Meter Number: _____
Lake Phone		
<b>3. Prior Owner of Front-lot Property</b> (If known)		What is the lot width (at the PPL property line)? _____ Feet  (For complex lot descriptions please attach a sketch or map showing lot widths that directly abut PPL property.) Sketch Attached <input type="checkbox"/>
Name		
Street Address		
City and State		
ZIP Code	Phone	

**PART B – STANDARD SHORELINE USE REQUEST**

*Check all that are being requested*

<input type="checkbox"/> <b>STANDARD LAND USES</b>	<input type="checkbox"/> <b>FLOAT</b>
<input type="checkbox"/> <b>DOCK</b>	<input type="checkbox"/> <b>MOORING BUOY</b> Number of buoys requested _____

**PART C – NONSTANDARD USE REQUEST**

The applicant must provide here, or as an attachment to this permit application, a complete description including detailed dimensions of any proposed use or encroachment.

**PART D – APPLICANT DISCLOSURE**

The Applicant is required to disclose here any existing unpermitted or existing prohibited use of PPL property. Please list all unpermitted or existing prohibited uses or state “none.”

**PART E– AUTHORIZED SIGNATURE**

The undersigned hereby certifies that he/she is the legal owner of the front-lot property; that he/she has read, understands and accepts all of PPL’s Permit Terms and Conditions that are a part of this application, the Public Lake Use and Shoreline Use Permitting Policy; and that the information provided in this application is true, complete and accurate to the best of his/her knowledge.

All owners of a front-lot property must sign the Permit Application thereby confirming their agreement to abide by the Public Lake Use and Shoreline Use Permitting Policy, including these Terms and Conditions and any permit issued under same.

_____	_____	_____	_____
Applicant’s Signature	Date	Applicant’s Signature	Date
_____		_____	
Print Name		Print Name	
_____	_____	_____	_____
Applicant’s Signature	Date	Applicant’s Signature	Date
_____		_____	
Print Name		Print Name	

Mail completed form to:

**PPL Generation, LLC //PPL Lake Office // P.O. Box 122, Hawley, PA 18428**

## **Shoreline Use Permit Terms and Conditions**

Upon granting of a permit by PPL Holtwood, LLC, for activity on PPL property, permittee shall be subject to the following terms and conditions:

1. The Standard Shoreline Use Permit automatically transfers to a new owner of property fronting on PPL property but only if (a) the permittee is in compliance with the permit and PPL's Public Lake Use and Shoreline Use Permitting Policy including these Terms and Conditions; (b) all annual fees have been fully paid; and (c) PPL receives written notice by the transferee that he/she accepts all liabilities and responsibilities under the permit. Until the permit is transferred upon satisfaction of the foregoing conditions, all liabilities and responsibilities remain with the existing property owner.
2. The permit is automatically renewed for successive one-year periods, upon payment of the annual permit fee, as long as permittee remains in compliance with the PPL Public Lake Use and Shoreline Use Permitting Policy and these Terms and Conditions.
3. Permits issued by PPL may contain terms and conditions that differ from these Terms and Conditions and/or from standards in the Public Lake Use and Shoreline Use Permitting Policy. In such cases, the terms of the permit shall control.
4. (a) The permittee shall at all times ensure to the satisfaction of PPL that the permitted facilities are constructed, operated and maintained and that permittee conducts activities on permittee's property in a manner that is consistent with: (1) the permit, (2) PPL's Public Lake Use and Shoreline Use Permitting Policy including these Terms and Conditions, (3) the scenic and recreational value of the project as determined by PPL, and (4) the minimalization of any degradation of water quality or any adverse impact on fish and wildlife habitat and natural environmental values.  
(b) PPL may, at its discretion, conduct inspections of permitted facilities or the permittee's property or require documentation from permittee (including photographs, invoices, construction records, etc.) demonstrating compliance with the permit, PPL's Public Lake Use and Shoreline Use Permitting Policy and these Terms and Conditions.  
(c) Permittee agrees to reimburse PPL for any costs (including reasonable attorney's fees) that PPL may incur in enforcing the permit, the Public Lake Use and Shoreline Use Permitting Policy and these Terms and Conditions. Permittee shall reimburse PPL for all damages to PPL property resulting from any violation of the permit, or the Public Lake Use and Shoreline Use Permitting Policy including these Terms and Conditions.  
(d) By accepting the permit, permittee grants PPL access to permittee's property to conduct the inspections and actions stated above.
5. PPL must retain the full, unconditional, unrestricted and complete right and privilege to raise or lower, restrict, control, store, retain, withhold, increase, decrease, retard, stop, obstruct, divert or use the waters of Lake Wallenpaupack in any manner that PPL, its successors and assigns, may deem appropriate; and the erection, operation and maintenance by the permittee of permitted facilities shall in no way interfere with such uses, regulations or control of the lake or its water.
6. The permittee agrees that if subsequent operations by PPL require an alteration in the location of the permitted facilities, or, if in the opinion of the company the permitted facility shall cause unreasonable obstruction to navigation, or that the public interest or its own business purposes so require, the permittee shall be required, upon written notice from PPL, to remove, alter or relocate the permitted facilities, without expense to PPL.
7. In connection with the ownership, construction, operation or maintenance of the permitted facilities, no attempt shall be made by the permittee to forbid the full and free use by the public of PPL lands or any project waters at or adjacent to the permitted facilities, or to unreasonably interfere with land or water-based recreation.

8. This permit only constitutes a license to use PPL land and does not convey any property rights, either in real estate or material. Nor does it authorize any injury to private property or invasion of private rights or any infringement of federal, state or local laws or regulations, or eliminate the need to obtain federal, state or local assent required by law for the construction, operation or maintenance of the permitted facility. Permittee agrees, on behalf of the permittee and the permittee's heirs, administrators, successors and assigns that the permittee will not attempt to set up any claim of property rights or interests in or to the reservoir or the adjacent lands of PPL by reason of the occupancy or use of these permitted facilities.

9. All expenses and responsibilities for the construction, installation, operation and maintenance of the permitted facilities, including the expenses of obtaining all necessary federal, state and local permits or approvals, shall be borne solely by the permittee.

10. The permittee agrees to, and does hereby, release, indemnify and agree to save and hold PPL, its officers, directors, agents and employees, 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 facilities, growing out of the ownership, construction, installation, operation or maintenance by the permittee of the permitted facilities.

11. (a) Except as stated in (b) below, by thirty (30) days' written notice mailed to the permittee by registered or certified letter, the company may revoke this permit whenever it determines that the public interest or its business purposes require such revocation or when it determines that the permittee has failed to comply with the conditions of the permit or the Public Lake Use and Shoreline Use Permitting Policy or these Terms and Conditions, including the payment of any fee, or any additional conditions imposed by the Company or by any federal, state or local agency. The revocation notice shall specify the reasons for such action. PPL may, in its sole discretion, give permittee the opportunity to cure any violation prior to revocation.

(b) Notwithstanding, (a) above, if in the opinion of PPL, circumstances so dictate, PPL may summarily revoke this permit with less than 30 days notice.

(c) 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 facilities within thirty (30) days, at his expense, and restore the waterway and lands to their former condition. If the permittee fails to complete removal and restoration to the satisfaction of the company, permittee agrees that the company may do so and recover the cost from the permittee.

12. For residential permits, permittee may not engage in commercial activity or otherwise charge a fee for the use of the permitted facilities by others.

13. This permit is issued in reliance upon all the information in the application being true and complete. Facilities (including any modifications or additions thereto) cannot exceed the sizes stated in the Public Lake Use and Shoreline Use Permitting Policy or the permit.

14. All floating structures shall be removed from the lake by December 1 of each year and stored at an elevation of at least 1,195 feet above sea level. Floating structures shall not be placed back in the Lake prior to April 1 of each year or after all ice has melted from the Lake. Floating structures can be placed back in the Lake only if the annual permit fee has been paid. PPL is not responsible for any damages incurred due to permittee's failure to comply with this condition.

15. Floating structures shall be securely anchored by means of mooring that do not obstruct the free use of the lakeshore.

16. Permit numbers shall be posted in a location that is visible from the Lake.

17. The company shall not be liable for any damage or injury to the permitted facility that may be caused by, or result from, subsequent operations undertaken by the company, or any federal, state or local agency of 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.

18. The ownership, construction, operation and maintenance of the permitted facility (ies) are subject to all applicable federal, state and local laws and regulations. The permittee shall comply promptly with any lawful regulations or instructions of any federal, state or local agency of the government.
19. The permittee is responsible for proper design, engineering, construction, installation and maintenance of the permitted facilities. Neither PPL's review or approval of the permit application nor any PPL inspection is any guarantee or assurance that the permittee's plans or facilities are safe, proper or adequate for the purpose intended.
20. The permittee shall keep project lands and waters occupied by, and surrounding, the permitted facilities free of all waste, garbage and other unsightly debris and materials.
21. Permittee shall ensure that its contractors and agents abide by PPL's Public Lake Use and Shoreline Use Permitting Policy, these Terms and Conditions of said Policy and any provisions of the permit issued by PPL. Permittees are responsible for actions of their contractors and agents.
22. All the rights and privileges granted herein are subject to any and all limitations imposed upon PPL either presently or in the future by reason of its status as a licensee under Federal Energy Regulatory Commission regulations.
23. PPL's failure to enforce any of the terms and conditions of this permit shall not be deemed a waiver and PPL shall not be liable for any such failure to enforce.
24. PPL reserves the right to modify the PPL Public Lake Use and Shoreline Use Permitting Policy or these Terms and Conditions as deemed necessary.
25. In the case of front-lot property (ies) having multiple owners, PPL permits shall be issued in the name(s) of the front-lot owner(s) whose name is provided under Section 1 of the PPL Application for Permits document. That person(s) shall be deemed the designated PPL contact person and as such, shall be authorized to request subsequent permit changes. All owners of said front-lot property are deemed to be equally responsible for compliance with PPL's Public Lake Use and Shoreline Use Permitting Policy and will be held equally responsible for any violation of said Policy and/or these Terms and Conditions or any permits issued under it.
26. All owners of a front-lot property must sign the Standard Shoreline Use Permit Application or the Nonstandard Shoreline Use permit application thereby confirming their agreement to abide by the Public Lake Use and Shoreline Use Permitting Policy, including these Terms and Conditions and any permit issued under same.
27. **Shoreline Work Order Request Disclaimer:** The locating of the Project Line or other property boundary lines by PPL representatives does not involve the surveying of such property lines and is only an estimate based upon site evaluations and other available information. PPL does not guarantee the accuracy of the locating of any such boundary lines, including the Project Line, by its representatives and recommends a survey by a licensed surveyor or engineer at the property owner's or prospective property owner's expense to determine the precise location of any such boundary lines. With regard to the General Compliance Inspection, PPL shall perform a surface inspection only and can only verify compliance for conditions existing on or above the ground surface. It is also understood that any noncompliance with PPL's Public Lake Use and Shoreline Use Permitting Policy may be reported to any third parties subsequently making inquiries to PPL regarding the above mentioned front-lot property. The applicant making this request agrees to advise any prospective purchasers of this disclaimer and to indemnify PPL and its agents and hold them harmless from all claims, actions, causes or action or judgments arising by reason of reliance upon the location of any such property by PPL representatives or the reporting of any noncompliance with the Public Lake Use and Shoreline Use Permitting Policy to any interested third parties.

(03/2006)

# SHORELINE WORK ORDER REQUEST

PPL Generation, LLC

PPL Lake Wallenpaupack Office

P.O. Box 122, Hawley, PA 18428 Phone (570) 226-8597 Fax (570) 226-8602



**ALL WORK ORDER INSPECTIONS INCLUDE VERIFICATION OF GENERAL COMPLIANCE WITH PPL'S Public Lake Use and Shoreline Use Permitting Policy FOR CONDITIONS EXISTING ON OR ABOVE THE GROUND SURFACE.**

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## Section 1 WORK ORDERED FOR

<input type="checkbox"/> Permissible Dock Size Verification	
<input type="checkbox"/> Project Line Verification	
<input type="checkbox"/> Other	

## Section 2 WORK ORDERED BY

<b>Note: This Shoreline Work Order Inspection can be requested only by the current owner of front-lot property stated below.</b>	Expected date of closing, if applicable:*	
	<i>(*Contact Lake Office if date of closing is changed)</i>	

Name		E-mail	
Street		City, State, Zip	
Home Phone		Business Phone	
Fax Number		Cell Number	

## Section 3

Lake Location: Development or Area		Lot #	
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## Section 4 DISCLAIMER

The locating of the Project Line or other property boundary lines by PPL representatives does not involve the surveying of such property lines and is only an estimate based upon site evaluations and other available information. PPL does not guarantee the accuracy of the locating of any such boundary lines, including the Project Line, by its representatives and recommends a survey by a licensed surveyor or engineer at the property owner's or prospective property owner's expense to determine the precise location of any such boundary lines. With regard to the General Compliance Inspection, PPL shall perform a surface inspection only and can only verify compliance for conditions existing on or above the ground surface. It is also understood that any noncompliance with PPL's **Public Lake Use and Shoreline Use Permitting Policy** may be reported to any third parties subsequently making inquiries to PPL regarding the above mentioned front-lot property. The applicant agrees to advise any prospective purchasers of this disclaimer and to indemnify PPL and its agents and hold them harmless from all claims, actions, causes or action or judgments arising by reason of reliance upon the location of any such property by PPL representatives or the reporting of any noncompliance with the **Public Lake Use and Shoreline Use Permitting Policy** to any interested third parties.

Front-lot owner's signature		Date	
	(Sign Above)		
Print Name Here			
	(Print Above)		

The fee for a Shoreline Work Order inspection fronting a residential property is \$175. The fee for a Shoreline Work order inspection fronting a commercial or community access property is \$300. If application is properly completed, an

invoice will be generated and mailed to you. When payment is confirmed, PPL will schedule the inspection. A report providing details of the inspection will be provided upon completion of the inspection.