

## Shoreline Management Plan Workshop

### Meeting Summary: Alabama Power Company Headquarters April 14, 2004

#### Warrior and Coosa Relicensing Projects Combined

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#### List of Attendees

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<b>Attendee</b>	<b>Organization</b>	<b>Attendee</b>	<b>Organization</b>
Alan Peeples	APC	Jerry Moss	ADCNR
Albert Read	Logan Martin Lake Protection Assoc.	Jim Beason	Smith Lake Civic Assoc.
April Hall	Alabama Rivers Alliance	Jim Copeland	Neely Henry Lake Assoc.
Barry Lovett	APC	Jim Crew	APC
Bill Campbell	E/Pro Consulting	Jim Hancock	Balch & Bingham LLP
Bruce DiGennaro	Kleinschmidt	Jim Howard	AL BASS Federation
Chris Greene	ADCNR	Joe Young	Lake Jordan HOBO
Chuck Jensen	Lay Lake HOBO	John Eisenbarth	Trout Unlimited
Dan Catchings	ADCNR	John Peconom	Kleinschmidt
Dan Murchison	Lake Mitchell HOBO	Keith Bryant	APC
Dan Thompson	ADCNR	Keith Floyd	ADCNR
Danny Tignor	APC	Kellie Johnston	Black Warrior Clean Water Partnership
David Anderson	Kleinschmidt	Kelly Schaeffer	Kleinschmidt
David Cunningham	Lay Lake HOBO	Lonnie Carden	American Whitewater/Coosa River Paddling Club/Southern Trails, Inc.
David Haynes	City of Wetumpka	Pat DeMotte	Logan Martin Lake Protection Assoc.
Deb Berry	Smith Lake EPC Logan Martin Lake Protection Assoc.	Patti Leppert	FERC
Don Greer	Elmore County Commission	Rachel Garrell (?)	Lay Lake HOBO
Don Whorton	APC	Rick Allums	APC
Harlom Baker	APC	Roger Yeargan	APC
Henry Mealing	Kleinschmidt Logan Martin Lake Protection Assoc.	Sheila Smith	APC
Isabella Trussell	APC	Viki Jenkins	APC
Jason Redmond	APC	Walter Ramey	APC

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#### Action Items

- Review the revised SMP and send any comments to Alan Peeples at: [alpeeples@southernco.com](mailto:alpeeples@southernco.com).  
**Stakeholders** **Due – May 10, 2004**
- Review the SMP Maps and send any comments to Alan Peeples.  
**Stakeholders** **Due – May 28, 2004**

#### Meeting Notes

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These notes summarize the major items discussed during the meeting and are not intended to be a verbatim transcript or analysis of the meeting.

#### **Shoreline Maps**

Alabama Power Company (APC) staff answered questions and took comments on the Shoreline Management Plan (SMP) Maps which were made available for public viewing during an informal morning session.

A set of shoreline maps was issued to each reservoir's respective homeowners association for their review and comments.

#### **Shoreline Management Plan Plenary Session**

Alan Peebles began the afternoon plenary session of the workshop by thanking everyone for their attendance and continued participation in this process. After reviewing the day's agenda, as well as the workshop's goal of reviewing both the shoreline maps and the revised SMP, Alan briefly went over the five previous shoreline management plan meetings which have taken place over the last year and a half.

#### **Revised Shoreline Management Plan**

The revised SMP was distributed via email to stakeholders for their review on March 31st, 2004.

Bruce DiGennaro outlined several revisions to the SMP and encouraged stakeholders to hold their comments and questions for the smaller break-out sessions. Bruce pointed out that the executive summary, shoreline management policies, additional lake shore use permitting information, the implementation and review sections of the plan, and the previously identified appendices had all been added to the document since stakeholders last reviewed it in the Fall of 2003. Bruce also informed stakeholders that the shoreline lands classifications and best management practices (BMPs) had been revised based on previous stakeholder comments and that a table of contents and glossary of terms had been created to help navigate the document.

Additional detail was provided to stakeholders on the shoreline management policies, the revised shoreline lands classifications, BMPs, and the modified lake shore use permitting program. The eight shoreline management policies (Shoreline Conservation, Bank Stabilization, Dredging, Channelization, Water Withdrawals, Causeways, Styrofoam, and the Residential Lake Shore Use Permit Fees) were added to the SMP to provide stakeholders and shoreline managers with a definitive resource to guide shoreline management decisions. The shoreline lands classifications, specifically the multiple use lands classification (further defined to differentiate between APC owned and non-APC owned lands), were revised to directly address stakeholder comments regarding property ownership along reservoir shorelines. Shoreline best management

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practices, including the BMPs regarding a recommended buffer zone and the placement of rip-rap in front of existing sea walls, were also revised to reflect stakeholder comments. A considerable amount of lake shore use permitting information was added to the SMP at the request of stakeholders and several modifications were made to the permitting program in response to stakeholder comments. Notable modifications to the lake shore use permitting program outlined at the workshop are the new guidelines requiring rip-rap in front of all newly constructed seawalls, the maintenance of a shoreline buffer zone on all APC owned lands, the implementation of a permit-fee program, and the use of bonded contractors for any new construction.

Several stakeholders expressed concerns regarding the revisions to the SMP. Issues were raised with use of “bonded” contractors, the requirement of rip-rap, and the maintenance of a shoreline buffer zone. Several other issues were explored in the break-out groups.

#### **Lake Shore Use Permit Fees**

Bruce informed stakeholders that APC has not traditionally assessed a fee for residential uses of its shoreline (it has assessed fees for commercial uses); however, through this shoreline management plan development process, APC has considered the assessment of a fee for all new permits for residential shorelines uses. The FERC allows licensees to recover the costs of administering their respective shoreline management programs, and to date the cost of administering the lake shore use permitting program has been financed solely by APC rate payers.

To gain a better understanding of how fees are assessed for residential uses, APC researched fees assessed by other southeast licensees. Bruce reviewed a summary table of these residential fees with the workshop participants. Other southeast licensees assess fees ranging from \$75 – \$500 for such services as permit processing, permit renewal, use modifications, bank stabilization (rip-rap and sea walls), as well as a suite of other uses.

APC also performed an internal audit to determine its costs to process residential lake shore use permits. Accounting for shoreline management personnel and their associated administrative costs, as well as permit processing, site visits, monitoring, and enforcement, APC expends approximately \$317 per each residential permit issued.

Based on the fees assessed by other southeast licensees and its cost to issue a residential lake shore use permit, APC is considering assessing an initial lake shore use permit fee of \$250.

Several stakeholders expressed concerns regarding a residential lake shore use permit fee. Stakeholders were concerned with the general permit process, the transferability of permits, and the cost of future permits. Several other issues were explored in the break-out groups, as discussed below.

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#### **Shoreline Management Plan Breakout Groups**

After the plenary session, meeting attendees divided into three facilitator-led breakout groups and discussed the Shoreline Maps and the revised Shoreline Management Plan.

General comments made by this break-out discussion group focused on rewriting specific sections of the SMP to clarify the reasoning for and the intended outcome of the specific management action. Stakeholders also raised several issues with the shoreline management policies and the proposed modifications to the lake shore use permitting program as well as the potential lake shore use permit fee.

Specific comments included here are grouped by the respective section of the SMP; they are also referenced by the breakout group who brought up the issue (UC-Upper Coosa, LC-Lower Coosa, WR-Warrior):

#### **Preliminary Pages**

- Add the term “gabions” to the glossary of terms (UC).
- Need to check for consistency of definition of boat slip in glossary and appendix. (WR)
- “boat house”—one word or two words, be consistent (WR)
- pg. G-2—Erosion is not necessarily “natural.” (WR)
  - Possible solution: strike “natural”
- pg. G-2—Reword definition of non-point source pollution, sometimes it can be traced to a particular field, but it is still large enough of an area to be considered non-point. (WR)
- pg. G-3—restricted access is not used in SMP, change to security lands (pg. 4-5)? (WR)
- Fix the table of contents (two page 1’s) (WR)
- Pg. G-1—commercial facilities, are boat ramps the same as boat launches? (WR)
- Bottom of pg. E-1, change “implementing” to “evaluating” (WR)

#### **1.0—Introduction**

- Pg. 1-1—There is a question on the proposed license period of 50 yrs.; not sure if all stakeholders support the 50 yr. license. (WR)
- Pg. 1-1—Although most of the involved stakeholders know, there needs to be an explanation of why Bankhead is not included in the SMP. (WR)

#### **2.0—Purpose and Goals**

- Pg. 2-1—Although the overarching goal mentions recreation, it is not listed in the “general goals” list. (WR)
  - Possible solution: Change #1 to “Provide for reasonable public access and recreation”

#### **3.2—Shoreline Management Policies**

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- Several stakeholders were concerned with the Dredging Policy and would like the policy to be reevaluated and clarified in the final version of the SMP (UC).
  - Specific concerns regarding this policy focused on who was responsible for dredging and how dredging activities would be regulated especially on sensitive lands (*e.g.*, where there are contaminants) (UC).
  - Want to know who is responsible for keeping sloughs open and if there is adequate assessment (UC)
  - Clarify if “sensitive resource areas” is the same thing as the classification (Class 4), which would include environmental, cultural, and scenic resources. (WR)
- The Causeway Policy should be reevaluated to incorporate bridges and other crossings (UC).
  - Want to know if they are allowed if they are reconnecting (UC)
  - Need to reference FERC (UC)
- The Water Withdrawal Policy should be clarified and a statement should be added addressing residential uses (UC, WR).
  - Possible solution: Add statement about over 1mgd/day
- For the Bank Stabilization Policy, the words “as determined by APC” should be included in the section of the SMP that discusses rip-rap requirements; this entire section should also be rewritten to clearly represent APC’s intentions (UC).
  - Clarify who makes the decision, and how the decision is made, on what is “feasible and/or economically practicable” (UC)
  - The rip-rap requirement should be flexible enough so that property owners could provide an access path (*i.e.*, swimming access) when rip-rap is placed (UC).
- It was recommended that on page 3-2, we include combination of rip-rap and natural vegetation as stabilization technique. (LC: April Hall)
  - Possible solution: add “natural vegetation with rip rap”
- Channelization should not be allowed when it will alter riparian resources/fish habitat (LC: Jim Howard)
- The Water Withdrawal Policy needs clarification on residential uses. (WR)

#### **4.1—Shoreline Classification System**

- Why aren't all of APC lands classified as Natural/Undeveloped (Class 5) instead of Multiple Use Lands Owned by APC (Class 3b) (LC: Jim Howard)
  - Bill Campbell answered that in the fact APC considered existing use, even 500 feet beyond the project boundary, when classifying lands. Some adjacent uses will not allow APC to classify its lands as N/U. Also, of the lands owned in fee by APC, over 50% are classified as N/U. Jim understood this approach.
- Pg. 4-7—Clarify class 5) natural/undeveloped substantial piece of land / “sufficient size” (LC: April Hall)
  - Possible solution: delete the words “are of a sufficient size” (Kelly Schaeffer)

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- Deb Berry expressed concerns over where hunting would be allowed (pg. 4-6); will it be on class 3a and not class 5? (WR)

#### **4.2—Best Management Practices**

- In reference to the best management practices the term “voluntary” should be examined so that it does not mislead the reader because in some instances BMPs are not voluntary (UC).
  - Clarify “voluntary” vs. “on APC lands”
- Some BMPs should be made enforceable, others voluntary (LC).
- Additional detail should be added to the BMPs section of the SMP, stakeholders would like to see this section better explain the reasoning for implementation (UC).
- It was suggested that the SMP contain information on impaired reservoirs – i.e., what the reservoir is impaired for (TMDLs, 303d, nutrients, etc.) (LC)
  - Possible solution: May reference ADEM site, think this was in there before but not now, check into this from previous drafts.
- Need to clarify what is acceptable for BMP concerning dumping leaves; is burning leaves okay (UC)?
- Several stakeholders would like to see APC establish a 25 or 30 foot minimum buffer (LC, WR).
- It was suggested that the buffer zone BMP read “15 ft. or more where available.” (WR: Kellie Johnson)
- There was a suggestion that it should be determined what buffer zone width is best for a particular land use classification (LC).
- The term “unmanaged” used with the 15-foot minimum buffer zone should be reevaluated and possibly changed to “suitable.” (UC)
- The section of the SMP that discusses the 15-foot minimum buffer zone should be revised so that it more clearly represents Alabama Power’s intentions (UC).
- It is recommended that APC provide incentives for property owners for instituting BMPs, e.g., no fees, beautification/stewardship awards (LC: April Hall, WR: Deb Berry).
  - Jim Crew suggested that this is something that the HOBO could implement.
- There is a need to emphasize that treated wood debris from pier construction or old piers should be disposed of properly, not within the lake. (LC: Dan Murchison)
- Several stakeholders would like to see a statement on the limited use of wood for seawalls (LC).
- There needs to be language to discourage/enforce destruction of native vegetation beds (LC).
  - Possible solution: Include in brochure
- There needs to be a reference to what types of native vegetation are appropriate for bank stabilization (NCRS, EPA, etc.) (LC)
- Pg 4-8—Add Class 1 to section on APC owned lands. (WR)
- Pg. 4-10—add “drain fields” after septic tanks. (WR)

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#### 4.3—Lake Shore Use Permitting Program

- The transferability of the lake shore use permits was a major area of concern for several stakeholders. Stakeholders requested that this section of the SMP be reviewed and changed to help facilitate the transfer of permits (UC).
  - Is there going to be a fee for transferring permits?
  - Need longer than 30 days in some cases to transfer permit
  - The rationale for requirement of transfer is so that APC has the most up-to-date information.
  - Possible re-write: “can be transferred if APC contacted”
  - Concern about “sunk costs” on value of property
- The wording on transfer of permits from one owner to another on a structurally sound structure needs to be clarified (LC).
- There was a general concern on the proposed fee structure including that it is too high, that there should be only one permit on the phased permitting approach, the cut-off for grandfathered structures, if the fee would be charged on the transfer of a permit, worries about value of property, and the fee being charged upon transfer of the permit to a heir. (WR)
- There were several issues raised with the modifications to the lake shore use permit program including (UC):
  - Permit revocation
  - The time allotted for facility construction under a permit
  - The requirement of bonded contractors for the construction of shoreline facilities
- There were some disagreement on the price of \$250 for a permit, some stakeholders thought \$175 is a reasonable price, others agreed \$250 is reasonable (UC).
- The construction period should be expanded to more than one year—maybe two years—to complete, with the possibility of an extension (UC).
- The time period to repair a substandard structure should be expanded to one year rather than 60 days (UC)
- Pg. 4-18—The time period to remove a substandard structure should be 90 days rather than 30 days. (WR)
  - Note that current system has been in effect for ten years—for now leave it as is
- There is a suggestion for a longer time period in an estate transfer and the fee should not be charged in this case. (WR)
- Pg. 4-19—Delete “imposed” and “any.” (UC)
- The revocation section is too absolute. (UC)
- The permitting process as it is now does not incorporate others views, etc. (e.g., NGOs, adjoining property owners); stakeholders want to see something similar to the COE public notice process for substantial things like large land clearing within the project boundary (LC).
  - Main concern here is page 4-12 that talks about vegetation removal within project boundary, may need to clarify this statement.
- Stakeholders are concerned that the fee will have a negative/deterrent effect, especially on the re-permitting process. Mr. Cunningham gave the example of someone wanting to

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implement some of APC's recommended BMPs, which might call for a new permit, which would result in the permit fee. Suggested an incentive or no fee program for individuals who implemented APC's recommended BMPs. (LC: David Cunningham)

- Fees should be used for bettering lakes, not to support the permit program or re-permitting (LC: Dan Murchison)
- How do we incorporate “grandfathered” structures into the SMP process? (WR)
- Pg. 4-12—Reword and clarify “gardens” to “vegetable gardens” (WR)
- Pg. 4-14—Where do you draw the line on modifications? (changing foot print, dimensionality) and if a permit will be needed in what case. (WR)
- Pg. 4-15—What is “growing out of ownership” (WR)
- Pg. 4-19—There is concern over structures that may not meet future guidelines vs. what is a dilapidated structure; what gets grandfathered in? (WR)

#### **5.0—Implementation and Review**

- Some concern was raised over the license term of 50 years; 50 would be okay if SMP is revised every 6 to 8 years, twelve years is too long (UC, LC).
  - Need to clarify link between 6 year review and twelve year revision
  - There needs to be language to address how we might add, for example, an additional BMP before the twelve year revision. (LC)
  - Pg. 5-3—How will the six year report be issued and to whom, the public or to FERC? (WR)
- Bonding should only be required if using a contractor, not if homeowner is doing work (UC).
- Need to develop guidelines for construction of seawalls (UC)
  - Locate source and make available to homeowners
  - Design guidelines?
- An effort to educate the public should be undertaken so that shoreline property owners are fully aware of their options and responsibilities; the education effort should consider including extension offices, and post-secondary educational institutions (UC, LC)).
- Environmental advertising needs to be expanded in regards to SMP and permitting efforts. (LC)
- Who enforces bonded contractors? (WR)
  - Will it be required with the application for a permit? What if they don't have contractor (i.e., homeowner does own work)?
- There needs to be clarification on what “bonded” means. (WR)
  - Possible solution: Provide an approved list of contractors (who attended an APC workshop) instead of bonded contractors.

#### **Appendices**

- Need to identify source of Standard Land Use article (FERC and date) (UC)
- Need to state source of permit guidelines (UC)

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- Clarify difference between permit application and SLU form (UC)
- Pg. D-1—reflective vs. reflectors (UC)
- The revision date of guidelines in appendix need to be fixed. (WR)
- There is a reference to Appendix A on “Terms and Conditions of Permit for Lakeshore Use.” (WR)

#### **Additional Comments**

- Several formatting improvements were suggested including accurate appendices titles and better date and page references (UC).
- Representatives from the Neely Henry reservoir also expressed some concern with large woody debris and safety markings at their reservoir. They informed APC that they were not satisfied with the progress made on this issue and will take it up with FERC if necessary. (UC)
- There needs to be clarification on procedures for adding issues/errors found to the maps (LC: April Hall).
- Dan Murchison mentioned having APC help with keeping the tree canopy on dirt roads; after some discussion it was determined that this is an electricity reliability issue and one that is really an issue with the county if others are cutting up to the roads (LC).
- The SMP needs to set limits on future growth (e.g., establishment of land trusts). (LC)
- Lake level fluctuations should be minimized in order to reduce erosion (LC: Joe Young).

#### ***Overall Comments from Workshop***

- There are siltation/sedimentation issues on Lay or Logan Martin (check this) since last transect (see COE report)—this may be a recreation issue but one brought up by Dan Thompson.
- Need clarification on what can be done on easements within the project—we don’t want to infer that you need a permit to get a tree.
- Make sure Lonnie Carden’s affiliation with his representative organizations are listed

#### **Next Steps**

APC will review the comments verbally submitted at the workshop as well as written comments submitted after the workshop and incorporate them as necessary.

Previous meeting notes and any other information regarding the SMP as well as other relicensing efforts can be found at APC’s hydro relicensing website on the internet at: [www.southerncompany.com/alpower/hydro](http://www.southerncompany.com/alpower/hydro).

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Comments Received from Dan Murchison at the Workshop (discussed in Bill Campbell and Kelly Schaeffer's break out group)

- 1 – The time frame for the relicensing period should be 35 years not 50.
- 2 – APCO should show specific limits for future growth of residential and commercial development on its reservoir maps.
- 3 – Buffer zones should be a minimum of 25 feet rather than 15.
- 4 – Certain important BMPs should be made enforceable – others could remain voluntary.
- 5 – The use of wood in the construction of sea walls should be eliminated. Rip rap and aquatic vegetation preferred. Concrete walls and similar material could be used with rock on the outside.
- 6 – Develop a BMP for the handling of treated wood when a treated wood structure is removed such as piers and boat houses. Many are burned or sunk in the reservoirs.
- 7 – Homeowners and others who destroy native weed beds should be required to mitigate native weed beds.
- 8 – Charges for permitting should be spent on restoration of wetland areas, planting of aquatic vegetation and trees, and environmental education.
- 9 – A copy of the lease agreement between APCO and the Mitchell Wildlife Management area should be reviewed with the relicensed delegation.
- 10 – APCO should partner with H.O. Associations and other environmental groups to promote the paving of dirt roads in sensitive areas around reservoirs where significant siltation occurs from scraping and maintenance of these roads. Such siltation often fills in wetlands and creek beds destroying aquatic life and causes difficult boat access by residents.
- 11 – APCO should develop a plan to partner with Forestry, H.O. Associations and other environmental groups to discourage Timber Companies and forest land owners from cutting the tree canopies along our roads. Many of our roads tree canopies are cut right to roadsides by greedy landowners destroying the esthetics of such canopies, drying out our roads and causing considerable dust and siltation problems.
- 12 – Homeowner Associations should be notified and invited to APCO training sessions for Contractors and Real Estate Agents.
- 13 – Due to the ever increasing septic and sewage problems on our Reservoirs APCO should not install electric power to any newly constructed home until a certified license inspector has approved the septic installation.
- 14 – The Fox 6 advertising partnership of litter cleanups with APCO should be extended to include other environmental advertising during the clean up advertising such as erosion and siltation problems, wetland protection, litter prevention, etc.
- 15 – Secondary Schools, Colleges, County engineers, and landscape companies should all be furnished copies of BMPs to incorporate into educational agendas.
- 16 – The timeline in the Relicensing Program for reviewing the permitting program and BMPs should be reduced from 12 years to 6 years.
- 17 – An incentive program encouraging application of BMPs should be developed-such as yard of the year-with appropriate APCO signs.
- 18 – Permitting applications should be made public through email similar to ADEMs npdes listing. This would help residents and others assist APCO in violation notifications.

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- 19 – All new construction on impaired waters should only be approved after the applicant proves his/her construction will not further impair the stream or lake.
- 20 – Outside brochure on SMP & Permitting & BMP.

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Comments Received by Bill Campbell from Dan Murchison on 4/16/04 via email:

BMPs – Page 4- item 3 : Revise the wording to discourage the planting of grass in the 25 foot filter strip zone. Also discourage the removal of trees in the 25 foot filter strip larger than 3 inches in diameter.

BMPs-Page 5- Item 1: Add to item 1 by describing and suggesting alternative remedies using pervious surfaces such as gravel and rock. Also, using retention ponds and constructive wetlands as filters for handling runoff before it enters the reservoir.

BMPs Page 6- item 1: Include wording which suggest that property owners and/or their contractors have a written plan to keep siltation out of the reservoir BEFORE any construction begins.

BMPs-Page 6- item 2: Change the wording to state: Place rip-rap along the base of existing wooden seawalls. Replace treated wood seawalls wherever feasible with rip-rap, rock or cement, and use native aquatic vegetation where possible for habitat enhancement.

BMPs-Page 6-item 4: Change wording to read: Divert rain gutters, drain pipes, and other sources of household runoff, including driveways, to unpaved areas where water can soak into the ground before reaching the reservoir.

Shoreline Management Plan –Page 14-4.4.5 Public Education and Outreach: Middle of paragraph one. APC will hold annual information meetings with local contractors, Home Owner Organizations, and other interested parties to ensure all are made aware of the notification and permit requirements prior to work and encouraging the use of all BMPs for sustainable shoreline management. Appropriate literature will be given to participants.

Shoreline Management Plan-Page 12-Paragraph 2: Add: APC surveillance contractors will be furnished BMP literature to pass out to property owners and their contractors illustrating BMPs suggested practices for any construction work. In addition, literature will be provided advising property owners about buffers, protecting native vegetation and native weed beds and other shoreline management BMPS. (Fee charges could help offset any publication cost)

Shoreline Management Plan –Page 14- Paragraph 2: APC surveillance contractors will be given the authority and duty to apply a two year use and occupancy clause for substandard structures which are in a state of disrepair. Substandard structures in disrepair which show no evidence of use for a period of two or more years can be condemned by APC and the property owner required to remove or repair the structure.