



Need to Know Facts Before Starting Work During Lake Drawdowns

- **Generally, all work within the lake boundary (995 feet MSL) will require permits from the Town of Lake Lure.**
- **Additional permitting from North Carolina DWQ and/or USACE and/or Rutherford County Building Inspections is likely to be required from any work below the shoreline (990.5 feet MSL).**
- **State and federal permits, if required, shall precede and accompany town applications as required.**
- **Property owners and/or contractors are responsible for getting permits from county, state, and federal agencies as appropriate. The Town does not provide these services.**
- **Be advised: State and federal review times might exceed lake drawdown period. Please ensure to submit permit as early as possible.**

Please continue reading on the next page for further information.

**Working On Lake Lure?
Information you need to know.**

Quick Reference

Seawalls/ Bulkheads/Shoreline Stabilization will require:

- 1) **401 Water Quality Certification from NC Division of Water Resources**
- 2) **Town of Lake Lure Lake Structure Permit/ToLL Shoreline Stabilization Permit (as applicable) and all accompanying documentation. (Site plan, engineered drawings, etc.)**
- 3) **Compliance with Trout Buffer regulations or variance, either granted or under review from the State of North Carolina.**
- 4) **Reference to US Army Corps of Engineers General (Regional) Permit 198200030 (RGP30) to assure work is within the scope of the Regional Permit.**
- 5) **Town of Lake Lure Floodplain Development Permit**

Boathouses/ Docks/ and other Lake Structures:

- 1) **401 WQC from NC DWR (unless only using driven pressure treated wood pilings for footing support of boathouse/ dock construction)**
- 2) **ToLL Lake Structure Permit and all accompanying documentation. (Site plan, engineered drawings, etc.)**
- 3) **Compliance with Trout Buffer regulations or variance, either granted or under review from the State of North Carolina.**
- 4) **Reference to USACE RGP30 to assure work is within the scope of the Regional Permit.**
- 5) **ToLL Floodplain Development Permit**

Private Utilities Repair/Maintenance:

Check with Town Staff, especially if working with private sewer distribution lines utilizing Town manholes (such may require additional permitting from the State).

Working On Lake Lure? Information you need to know.

Subject:

Lake Drawdown
USACE RGP30
GC 4145
Trout Buffer
Town of Lake Lure Lake Structure Regulations

The Town of Lake Lure will be drawing down its lake by 5-6 feet on December 1, 2019, and will begin raising the lake to full pond on February 10, 2020. This period will afford property owners to do work below normal water level on seawalls, bulkheads, boardwalks, and other lake structures.

Before starting any work or construction on Lake Lure, property owners, agents, and/or contractors shall seek proper permitting from the Town of Lake Lure, North Carolina Department of Environmental Quality-Division of Water Resources(NCDEQ-DWR), and authorization from the United States Army Corps of Engineers (USACE).

USACE RGP30

All work in or affecting navigable waters of the United States requires authorization by the United States Army Corps of Engineers. The USACE, pursuant to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, have issued General (Regional) Permit 198200030 (RGP30)

RGP30 URL: <http://saw-reg.usace.army.mil/RGP/RGP30-2016-12-23.pdf>

The RGP30 authorizes the construction, maintenance and repair of most common structures, but may require some projects to provide pre-construction notification and received written authorization. Please ensure to consult the RGP30 for clarification on such projects.

Ensure to seek proper permitting from the Town of Lake Lure before the commencement of any construction projects, including repairs that require a Rutherford County Building Permit.

The RGP30 also has strict requirements for authorized dredging and excavation within the lake. Please ensure to consult the RGP30 for clarification on such projects.

Authorization from the Town of Lake Lure is required before the commencement of any dredging or excavation projects.

USACE Pre-Construction Notification Form URL:

<https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Permits/2017-Nationwide-Permits/Pre-construction-Notification/>

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NCDEQ-DWR GC4145

Written approval for a 401 Water Quality Certification from the Division of Water Resources is required before any permanent impact to water, or wetlands adjacent to waters, designated as ORW, SAV, HQW, **Trout**, or Scenic River. **Lake Lure and its tributaries are designated as trout waters.**

Please ensure to consult the GC4145 before starting any projects that affect the waters of Lake Lure and its tributaries.

GC-4145 URL:

<https://edocs.deq.nc.gov/WaterResources/0/doc/613079/Page1.aspx>

Instructions for Shoreline Stabilization Application URL:

https://files.nc.gov/ncdeq/Water%20Quality/Surface%20Water%20Protection/401/Certs%20and%20Permits/SSGP%2010-2013%20Shoreline%20Help_final-061714updates.pdf

If a project is required to receive certification under the GC4145, The Town of Lake Lure requires proof of a 401 Water Quality Certification from the Division of Water Resources (when required) before a permit for Lake Structures will be issued.

Please ensure all applications to DWR are submitted 60 days in advance. The Town has no influence over the State's review time for these applications.

Trout Buffer

Lake Lure is designated as Trout Waters by the State of North Carolina and enforced by NC Administrative Code 15A NCAC 2B .0202, Sedimentation and Pollution Control Act of 1973 GS 113A-57(1), and Division of Land Resources Rule 15A NCAC 04B .0125. Again, this is a State of North Carolina designation.

The trout buffer is also referenced and enforced in the Town's Soil Erosion and Sedimentation Control Regulations and Zoning Regulations in the following sections:

§ 92.005 DEFINITIONS of the Town's Zoning Regulations, Page 1-19

§ 92.120 LAND CLEARING AND GRADING ASSOCIATED WITH DEVELOPMENT of the Town's Zoning Regulations, Page 8-1 to 8-3

§96.07 STANDARDS FOR LAND DISTURBING ACTIVITY of the Town's Soil Erosion and Sedimentation Control Regulations, Page 19 – 20

Working On Lake Lure? Information you need to know.

§ 92.005 of the Town of Lake Lure's Zoning Regulations

*Trout Buffer: An undisturbed strip of land of specified width as measured in the horizontal plane and as defined and illustrated in the Town of Lake Lure Land Disturbance Regulations, that is required for the protection of waters that have been classified as trout waters by the Environmental Management Commission. **Any removal of vegetation, including the removal of living branches, is prohibited within such areas.** (Adopted 6-10-08)*

Please note, pursuant § 94.15 (B), the cutting of standing trees at or below the lake boundary (995 feet MSL) is prohibited unless authorized by Lake Lure Town Council.

Please ensure to consult with the Town of Lake Lure before performing any land disturbing activity.

NCDEQ Trout Buffer FAQ and information guide:

<http://www.digital.ncdcr.gov/cdm/ref/collection/p16062coll9/id/228795>

N.C. Division of Energy, Mineral, and Land Resources, Sediment Program (NCDEMLR): Trout Buffer Variance Request Information:

https://files.nc.gov/ncdeq/Environmental%20Assistance%20and%20Customer%20Service/Permit%20Handbook%20Documents/2016_Revisions/Water%20Trout%20Buffer%20Variance.pdf

Town of Lake Lure Zoning Regulations:

https://www.egovlink.com/public_documents300/lakelure/published_documents/Town%20Ordinances/Chapter_92_Zoning_Regulations.pdf

Town of Lake Lure Soil Erosion and Sedimentation Control Regulations:

https://www.egovlink.com/public_documents300/lakelure/published_documents/Town%20Ordinances/Chapter_96_Erosion_Control.pdf

Town of Lake Lure Lake Structure Regulations

All land covered by the waters of Lake Lure at full pond (990.5 feet MSL) is owned by the Town of Lake Lure and is held in trust by the Town of Lake Lure for the benefit of the citizens of Lake Lure.

Town Council established these regulations to govern all lake structures being erected and maintained within the boundaries of the lake (995 feet MSL) for the purpose of enhancing the health, safety, and welfare of the general public and to preserve the property of the Town and the properties of upland land owners.

Working On Lake Lure? Information you need to know.

Pursuant to § 94.03 (A),

before the construction of any structure within the 995 feet MSL lake boundary, a Lake Structure Permit Application must be submitted to the Lake Structure Administrator and a Lake Structure Permit provided upon approval of the project.

This also applies to prefabricated structures that are installed rather than constructed if they exceed 150 pounds in total weight.

Pursuant to **§ 94.06 (A)**, repairs to existing lake structures that are internal, external, and cosmetic do not require a Lake Structure Permit, unless a county building permit is required. However, structural repairs and reconstruction of lake structures require a Lake Structure Permit as described in **§94.03** before any work is performed.

Generally, all lakefront work will also require a Floodplain Development Permit.

Town of Lake Lure Lake Structure Regulations:

https://www.egovlink.com/public_documents300/lakelure/published_documents/Town%20Ordinances/Chapter_94_Lake_Structure_Regs.pdf

Floodplain Development Permit Application:

https://www.egovlink.com/public_documents300/lakelure/published_documents/Forms_Permits_Applications/Land%20Use/Floodplain%20Development%20Permit%20Application.pdf

Lake Structure Permit Application for Shoreline Stabilization:

https://www.egovlink.com/public_documents300/lakelure/published_documents/Forms_Permits_Applications/Land%20Use/Lake%20Structure%20Permit%20Shoreline%20Stabilization.pdf

Lake Structure Permit Application:

https://www.egovlink.com/public_documents300/lakelure/published_documents/Forms_Permits_Applications/Land%20Use/Lake%20Structure%20Permit.pdf



For Questions about the information in this document, please contact the Town of Lake Lure Community Development Department.

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