

RESOLUTION

Date: April 21, 2022

Resolution No. 22-003

A resolution of the Carroll County Water Authority to approve the Reservoir Management Plan for the Indian Creek Reservoir.

WHEREAS, On June 17, 2021, the Carroll County Water Authority (“Authority”) received a Section 404 Permit from the U.S. Army Corps of Engineers authorizing the construction of the Indian Creek Reservoir project; and

WHEREAS, On November 2, 2021, the Authority received Water Withdrawal permits from the Georgia Environmental Protection Division (“EPD”) authorizing withdrawals from the Little Tallapoosa River and the Indian Creek Reservoir (the “Withdrawal Permits”) necessary to operate the Indian Creek Reservoir; and

WHEREAS, the Authority must comply with the conditions within the Withdrawal Permits including Special Condition 22 which requires that the Authority provide an approved Reservoir Management Plan for the Indian Creek Reservoir to EPD within six months of permit issuance; and

WHEREAS, the Authority must also provide a copy of the EPD-approved Reservoir Management Plan to the USACE within 30-days of EPD’s approval of the plan pursuant to Special Condition 12 of the Section 404 Permit; and

WHEREAS, the Authority prepared a draft Reservoir Management Plan which is consistent with the plan utilized at its Snake Creek Reservoir and consistent with current EPD regulations; and

WHEREAS, the Authority provided the draft Reservoir Management Plan to EPD on February 14, 2019 and again on December 14, 2021; and


WHEREAS, EPD provided no feedback on the contents of the Reservoir Management Plan but requested that the Authority adopt the Reservoir Management Plan prior to EPD completing its review; and

WHEREAS, the Authority desires to adopt its draft Reservoir Management Plan for the Indian Creek Reservoir and submit it to EPD in compliance with the Water Withdrawal Permit conditions.

NOW THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

1. The Authority approves the Reservoir Management Plan for the Indian Creek Reservoir as attached hereto as Exhibit "A" subject to minor amendments requested by EPD, if any.
2. The Executive Director is hereby authorized to execute any documents necessary to finalize and submit the Reservoir Management Plan to EPD and to submit the Reservoir Management Plan, once approved by EPD, to the USACE.

SO RESOLVED AND ADOPTED, by the Board of Directors of the Carroll County Water Authority, this 21st day of April 2022.



Trey Wylie, Chairman

SECRETARY'S CERTIFICATION

I hereby certify that the above is a true and correct Resolution passed by the Carroll County Water Authority at its regular meeting on April 21, 2022.

Certified by:

Teresa B. Adams

Teresa Adams, Secretary

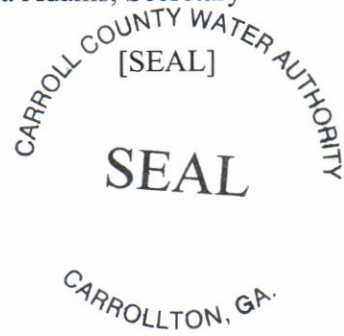


EXHIBIT "A"

CARROLL COUNTY WATER AUTHORITY INDIAN CREEK RESERVOIR REGULATIONS

April 21, 2022

Subject to compliance with these Regulations and any other that may be duly adopted by the Board of the Carroll County Water Authority (Authority), fishing and boating, and access to specially-designated portions of Authority property adjacent to the Reservoir for walking or picnicking, will be allowed at the Indian Creek Reservoir (Reservoir). Notwithstanding any other term of these Regulations, the Carroll County Water Authority (Authority) may close or further restrict access to the Reservoir temporarily or permanently without advance notice or refund of permit fees. The Authority reserves the right to amend these Regulations at any time. Nothing herein or in any license or permit issued pursuant hereto shall be deemed to acknowledge or convey any interest in real property, including but not limited to any fee simple title, estate for years, usufruct, or other form of lease, or easement. All persons accessing the Reservoir for recreational purposes are deemed to be doing so for their own enjoyment only and not to confer any benefit upon the Authority or pursuant to any contract with the Authority. No access to the Reservoir or adjacent Authority property is permitted until the Authority commences issuing permits for such access as set forth below.

I. PERMITS

1. Access to the Reservoir by any person without a valid permit issued by the Authority is prohibited.
2. After appropriate Authority personnel have established the necessary permit forms and procedures for issuance, annual and daily permits may be obtained from the Carroll County Water Authority Administrative Office during normal business hours by Carroll County residents by paying the established fees and executing the required release forms.
3. Permits shall be available for purchase by Carroll County residents. All persons under the age of 18 years old must obtain a permit be accompanied by an adult permit holder while on the Reservoir property.
4. Permit fees may be modified from time to time by the Authority to help offset the Authority's costs of operating and managing the recreational activities at the Reservoir.
5. Permits: Annual Fishing Permit (Calendar Year) \$ 50.00 (17 yrs. and under no charge)
 Daily Fishing Permit \$ 5.00 (17 yrs. and under no charge)
 Boat Permit (Calendar Year) \$ 30.00
6. Permits for Adjacent Property Owners (as defined in Section IV of these Regulations) are discussed in Section IV of these Regulations.

II. BUFFERS AND SETBACKS

All property adjacent to the Reservoir shall have a 150-foot undisturbed, natural vegetative buffer, measured in horizontal distance from normal pool elevation defined as 1161 feet above mean sea level, except as may be approved in writing by the Authority and in accordance with all applicable laws. No septic tanks or septic tank drain fields may be installed within the 150-foot buffer. If more stringent land use standards are adopted by Carroll County or the State of Georgia, the more stringent regulations shall apply.

1. Adjacent Property Owners, together with the members of their immediate families and up to 6 guests at a time, are permitted to access the Reservoir from the respective Adjacent Property Owner's property, across the portion of the Authority-owned property that is directly adjacent to the respective Adjacent Property Owner's property, and to fish and, subject to the provisions of Paragraph 3 below, launch approved watercraft from the Reservoir from such portion of the Authority-owned property. Invited guests must always be accompanied by the Adjacent Property Owner or an adult member of the Adjacent Property Owner's immediate family whom the invited guest is visiting, and the Adjacent Property Owner or the adult member of his or her family must have on his or her person the permit issued by the Authority to the Adjacent Property Owner for such use of the Reservoir.
2. Each Adjacent Property Owner shall be required to obtain the required permits for fishing and boating for such owner, the members of such Adjacent Property Owner's immediate family, and their guests. The annual fee for fishing and boating for each Adjacent Property Owner, which will cover members of the Adjacent Property Owner's immediate family and up to 6 guests at a time, is \$0.00. Permit fees may be modified from time to time by the Authority to help offset the Authority's costs of operating and managing the recreational activities at the Reservoir.
3. Adjacent Property Owners are not allowed to launch into or retrieve from the Reservoir watercraft by the use of motorized or non-motorized vehicles and/or trailers of any type (including but not limited to bicycles, on-highway vehicles, tractors, lawn equipment, ATVs and UTVs) except at a Authority-designated public boat ramp area. Adjacent Property Owners may transport watercraft from their own property to the Reservoir across Authority-owned property by means of portage (hand carry) only. Adjacent Property Owners are prohibited from storing watercraft on the Reservoir or the Authority-owned property surrounding the Reservoir.
4. The Authority-owned property that forms a buffer around the Reservoir pool shall be left in an undisturbed, natural vegetated state. No Adjacent Property Owner shall apply any pesticides, herbicides, fertilizers, or other chemicals to the Authority-owned property. The Authority intends to allow Adjacent Property Owners to selectively clear with hand tools vegetation that, at a height of three feet above ground level, is smaller than two inches in diameter, provided that such clearing activity complies with requirements of state law and local ordinances, does not disturb the soil, does not remove the existing vegetative ground cover, and involves no discharge of any vegetation and material into the reservoir. To conduct such clearing activities or any other modification or maintenance of the Authority-owned property, the Adjacent Property Owner must obtain advance permission in writing from the Authority. Without limiting the generality of the foregoing, trimming, removal, planting, placement of material on, or modification of the Authority-owned property for the purpose of creating a trail or walkway must be approved in writing by the Authority, with such approval setting forth the allowable specifications and requirements for the trail or walkway. Any trail or walkway across the Authority-owned property that the Authority might approve shall be maintained by the Adjacent Property Owner in a manner acceptable to the Authority. Any clearing, modification, or maintenance of the Authority-owned property that the Adjacent Property Owner might be permitted to perform shall be deemed to have been performed exclusively for the benefit of the Adjacent Property Owner and not to have conferred any benefit upon the Authority, and shall not entitle the Adjacent Property to any rights whatsoever in the Authority-owned property. The Adjacent Property Owner shall repair, without any expense to the Authority, any damage to the Authority-owned property that the Adjacent Property Owner causes, and shall indemnify the Authority for any bodily injury to any person caused by the Adjacent Property Owner's clearing activities on the Authority-owned property.
5. Except as provided in paragraph 1 of this Section with regard to the location of ingress and egress to the Reservoir across Authority-owned property, all Adjacent Property Owners are subject to all restrictions contained in these Regulations on use of the Reservoir and other Authority-owned property.

III. RESTRICTIONS ON USE OF RESERVOIR

1. Except as specifically provided in Section IV, persons entering the Authority's property must do so through a public access point(s) as designated by the Authority. All other access points are prohibited. Access is permitted only during times that the Authority designates.
2. No person is authorized to use the Authority's property for any purpose other than those specified herein.
3. Possession of alcoholic beverages, drugs, controlled substances, firearms, ammunition, bows and arrows, loaded projectile firing devices, explosives, and hazardous materials are prohibited on the Reservoir and Authority property.
4. All persons using the Reservoir must comply with Georgia law and Georgia Department of Natural Resources rules and regulations, as well as rules and regulations set by Carroll County Government and the Authority.
5. Persons fishing from the bank of the Reservoir may do so only between marked boundaries at the Authority designated access point.
6. Boats may be no longer than 18'0" in length and must meet Georgia Department of Natural Resources requirements. All boats must be electric or hand powered. Internal combustion engines and petroleum fuels are prohibited. Prior to use on the Reservoir, all boats must be inspected by the Authority and bear appropriate certification by the Authority. Authority, Carroll County, and State of Georgia enforcement, inspection, and emergency vessels are exempt from these requirements.
7. Sailboats and inflatable vessels are not allowed on the Reservoir.
8. No littering, fires or overnight camping are allowed on the Reservoir or Authority property.
9. Destruction, modification, and removal of Authority property are prohibited.
10. Individuals are required to show proper identification upon the request by an authorized representative of the Authority, Carroll County or Georgia Department of Natural Resources.
11. Boat docks and boat ramps are prohibited with the exception of handicap accessible, boat dock and associated boat ramp allowed in the Authority-designated and managed public access areas. Such dock and boat ramp will be constructed by the Authority or at its direction.
12. Swimming and wading are not allowed at the Reservoir.
13. In accordance with O.C.G.A. § 27-4-282, the following WARNING is included in these Regulations:

Under Georgia law, an owner or operator of a fishing location is not liable for an injury to or the death of a participant from the inherent risks of fishing, including but not limited to drowning, pursuant to Article 7 of Chapter 4 of Title 27 of the Official Code of Georgia Annotated. The Authority advises all persons using the Reservoir for recreational use to be aware of the inherent risks in such recreational uses, and that the Authority shall not be liable for injury or death of any person who is using the Reservoir for such purposes.

IV. REGULATIONS FOR USE OF RESERVOIR BY OWNERS OF CERTAIN PROPERTY ADJACENT TO AUTHORITY-OWNED PROPERTY:

The provisions of this Section IV shall apply to (who shall hereinafter be referred to in these Reservoir Regulations as the "Adjacent Property Owner" individually or the "Adjacent Property Owners" collectively) the current owner of any property that has at least 250 feet of frontage on the Authority-owned property that forms a portion of the buffer directly abutting the Reservoir pool, provided that such property is not subdivided such that it has less than 250 feet of frontage. Notwithstanding the foregoing, no more than one natural person at a time (i.e., no partnerships, corporations, trusts, associations, etc., and no multiple persons as tenants-in-common) may be deemed the Adjacent Property Owner for one of the aforementioned properties, and only that natural person may hold the Adjacent Property Owner permit for that property.

V. RESTRICTIONS ON ACCESS

The Authority may, at any time, temporarily or permanently, close the Reservoir to access by any person (including but not limited to the Adjacent Property Owners) or restrict access to the Reservoir by such person, without notice or refund of permit fees.

VI. VIOLATION AND PUNISHMENT OF NON-PERMITTED USER ON AUTHORITY PROPERTY

1. Any non-permitted user of the Authority's property or the Reservoir is trespassing and will be prosecuted to the extent allowed by applicable law. Any person violating any of the laws of the State of Georgia or any of the Regulations set forth herein shall be punished as prescribed by applicable law, including but not limited to loss of permit and forfeiture of any right for future permits.
2. The Authority's property and Reservoir may be policed by Authority enforcement personnel, deputies and authorized agents of Carroll County (by agreement with the Authority), and/or employees of the Georgia Department of Natural Resources.
3. The Authority assumes no liability or responsibility for the safety or property of persons using the Reservoir or engaged in any activity on Authority property. Any person using the Reservoir or other Authority property shall exercise due care for their own safety and the safety of others and assumes full liability and responsibility for his or her actions and safe conduct.

Approved by the Carroll County Water Authority Board of Directors on [INSERT DATE WHEN APPROVED].