

STATE OF ALABAMA
BEAR CREEK DEVELOPMENT AUTHORITY
ADMINISTRATIVE CODE

CHAPTER 160-X-6
APPROVABLE WATER USE FACILITIES AND RELATED IMPROVEMENTS

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(1) Utilities Serving Water Use Facilities.

(a) Utilities must be installed in such a way as not to be hazardous to the public, interfere with BCDA operations, or TVA's operation of the reservoir.

1. Improvements on Managed Land. The following items may be constructed or installed on the BCDA managed land above the normal summer pool level (See Table A) upon approval by BCDA, issuance of BCDA Land Use License and payment of annual fee. The BCDA Land Use License only authorizes the proposed use of the land and construction, operation, and maintenance of facilities approved in advance and in writing by BCDA. The applicant must (1) be the fee owner or owner of rights to property abutting the managed lands, or (2) the owner of rights for use of the managed lands. All facilities and improvements must be constructed in a manner which does not block access by the general public to the reservoir waters or shoreline and maintained in good order and appearance. Access by the general public to the reservoir waters or the shoreline refers to pedestrian access and does not include vehicles.

2. All facilities shall be so constructed or anchored to prevent their floating into the reservoir upon flooding and shall not contribute to undue erosion or deterioration of the shoreline. All facilities shall be maintained in a good, safe, and substantial condition and shall meet requirements of appearance and location acceptable to BCDA. BCDA shall have the authority to revoke licenses to comply with terms and conditions of

the license. A fee will be charged for all licenses on the managed lands which serve private properties not acquired from BCDA.

(i) Utilities. The facilities must be installed in such a way as will not be hazardous to the public, interfere with BCDA operation, or TVA's operation of the reservoirs.

Author:

Statutory Authority: Code of Ala. 1975, §§33-15-1, et seq.

History: Filed November 17, 1981. **Amended:** Filed January 10, 1986. **Amended:** Published August 31, 2020; effective October 15, 2020.

160-X-6-.02 Approval Of Construction In The Tennessee River System And Regulation Of Structures.

Section 26a of the Tennessee Valley Authority Act, as amended, requires that plans to construct, operate or maintain any dam, appurtenant works, or other obstruction affecting navigation, flood control, on public lands or reservations across, along, or in the Tennessee River or any of its tributaries, be submitted to TVA for approval. The BCDA will assist applicants in determining when the Department of the Army and/or Coast Guard approval(s) is/are necessary.

Author:

Statutory Authority: Code of Ala. 1975, §§33-15-1, et seq.

History: Filed November 17, 1981. **Amended:** Filed January 10, 1986. **Amended (rule number only):** Published August 31, 2020; effective October 15, 2020.

Ed. Note: Rule .02, Procedure for Obtaining Approval, was repealed and Rule .03 was renumbered to .02 per certification published August 31, 2020; effective October 15, 2020.

Ed. Note: Rules repealed per certification published August 31, 2020; effective October 15, 2020.

160-X-6-.02 Procedure For Obtaining Approval.

Author:

Statutory Authority: Code of Ala. 1975, §§33-15-1, et seq.

History: Filed November 17, 1981. **Amended:** Filed January 10, 1986.

Repealed: Published August 31, 2020; effective October 15, 2020.

160-X-6-.04 Removal Of Unauthorized, Unsafe And Derelict

Structures.

Author:

Statutory Authority: Code of Ala. 1975, §§33-15-1, et seq.

History: Filed November 17, 1981. **Amended:** Filed January 10, 1986.

Repealed: Published August 31, 2020; effective October 15, 2020.