

# Wallenpaupack Public Lake Use and Shoreline Use Permitting Policy

## Frequently Asked Questions

It is Brookfield's policy to manage our lands and waters at Lake Wallenpaupack in accordance with local, state, and federal laws and ordinances including our FERC (Federal Energy Regulatory Commission) license; to protect the scenic, recreational and environmental values of the lake; and to restrict the uses of our lands and waters to promote their full use and enjoyment by the general public.

Listed below are some of the most frequently asked questions regarding our Public Lake Use and Shoreline Use Permitting Policy ("Policy"). For an online copy of the policy, please visit [www.lakewallenpaupackhydro.com](http://www.lakewallenpaupackhydro.com).

### General

#### 1. What is the difference between the Project Line and the normal high water mark?

In most locations, we own the basin of the lake *and* a strip of land that runs along the edge of Lake Wallenpaupack. This is often referred to as "Brookfield Property". On the lakeside of your home, where your property ends and ours begins, is the Project Line or Brookfield Property. There are some areas where the Project Line is very low and can be at the normal high water mark or lower. This is not common. It is important to note that we own a continuous strip of land all the way around the lake, regardless of how low the Project Line is. The strip of land we own around Lake Wallenpaupack is not always the same width or the same distance from the water. It varies all the way around the lake.

The normal high water mark is the level that the lake normally reaches by June 1 of each year (Elevation 1187' feet above sea level). Our property/project line, in most areas around the lake, is much higher than the normal high water mark.

#### 2. How can I find the Project Line?

We share a common boundary so if you know where your property lines are on the lakeside of your property you will have found the Project Line. A survey is the only way to determine with absolute accuracy where your property ends and ours begins. If you are planning a home addition, deck expansion, landscaping, or other work that may potentially impact our property or would not be permissible on our property, you should have a survey done to ensure that you are not encroaching on our property which may result in the removal of the encroachment.

#### 3. What are the setbacks from the Project Line or Brookfield Property line?

We do not have setback requirements. Setbacks are determined and enforced through the Township in which your property is located. If you are planning a project on your property, you should check with your Township to determine what the setback is *before* you begin your project.

#### 4. I heard that the Brookfield property fronting my property was inspected. How do I find out the results of that inspection?

Inspection results are always in writing and are sent to you by mail or email.

#### 5. How do you measure permissible land uses?

When measuring land uses, we take into consideration the total size of the use on our property. For instance, when measuring a path, any border placed along the sides of the path is included in the total measurement. A fire ring or circle is measured from the outside edge to the outside edge of the fire ring. We do not measure the inner burning area.

#### 6. What are the guidelines for burning on Brookfield property?

Any fire burned on our property must be contained in a loose stone fire pit or circle. Uncontrolled burning is strictly prohibited. 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 in the fire pit or circle. Any burning of

garbage or household waste in the fire circle is strictly prohibited. Burning is not permitted below the normal high-water mark of the lake (on the shoreline). The fire pit or circle must not exceed a total size of 4 feet wide by 4 feet long and 1 foot high.

7. **What does it mean to allow something to “naturally regress”?** To allow something to return to its original state over time, to deteriorate.
8. **Am I allowed to store gasoline on my dock or on Brookfield property?**  
The storage of gasoline, oil, propane or any other combustible material is strictly prohibited on docks or on our property for environmental as well as safety reasons. The only allowable propane is a 20 pound tank attached to a grill during the active boating season.
9. **Am I allowed to fuel my boat or PWC from my dock?**  
Yes, you may fuel your boat or PWC from your dock, however the gas must be removed from our property when done. It cannot be stored on our property or the dock. Many communities and marinas do not allow residents to use gas on their docks and you must abide by their regulations.

<b>Vegetation - Tree Removal - Landscaping</b>
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10. **What do I do if there is a dead tree(s) on Brookfield property?**  
If there is a dead tree on our property, please contact our land use specialist, in writing (email preferred). We will assess the request and determine if the consulting forester needs to do a site visit. When appropriate, a permit will be issued to the front-lot owner authorizing the removal. Front-lot owner is financially responsible for removal, once permit is issued. If the forester determines that the tree will fall on a home on your private property, then Brookfield may be financially responsible for its removal.
11. **Do I need a permit to remove vegetation within the lake?**  
For any issues pertaining to vegetation removal, please contact our office by email.
12. **Can I plant trees or other shrubs on Brookfield property?**  
Yes, you may plant trees or other shrubs on our property with an approved Planting Plan. If you would like to plant on our property, please contact our office, in writing (email preferred), to arrange a site visit with our consulting forester who will help prepare the Planting Plan. We do not allow the planting of non-native species on our property. For a list of approved native species, please see our Policy book.
13. **As a front-lot owner, how can I improve my view of the lake from my home?**  
Under our Policy, there are two types of "vista view" permits granted to improve a front-lot owners' view of the lake. Front-lot owners can request one of the following:
  - Ground Level up to 10' - This permit will allow front-lot owners to remove the lateral branches on specifically marked trees located on our property up to 10' above ground level across the extent of their frontage as long as it does not affect the health of the specific trees. The entire tree(s) is not permitted to be cut down nor do we permit the tree(s) to be “topped”.
  - 12' x 12' Window - This permit will allow front-lot owners to remove the lateral branches on specifically marked trees located on our property to provide a window in the canopy measuring 12' square to obtain a specific view of the lake as long as it does not affect the health of trees in question. The entire tree(s) is not permitted to be cut down nor do we permit the tree(s) to be “topped”.

If you wish to have a vista view, please contact our office, in writing (email preferred), to arrange a site visit with our consulting forester.

**14. Can I spray herbicide on Brookfield property?**

Yes, with a vegetation removal permit, herbicides containing glyphosate (brand name Roundup) can be used on our property. Please contact our office, in writing (email preferred), to arrange a site visit with our consulting forester.

**15. What do I do with all the leaves on Brookfield property?**

The raking of leaves into the lake basin, i.e. below the normal high-water mark of the lake, is prohibited for environmental reasons. Once in the water, leaves break down and release nutrients which promote excessive algae growth. The leaves can be burned in a permissible loose stone fire pit or circle, raked, or completely removed from our property. You may not blow or rake the leaves onto the frontage of an adjacent neighbor.

**16. Why can't I landscape Brookfield property?**

While we can appreciate the aesthetic effect that landscaping can have for a property, our goal for our property is to keep the lake and its surrounding lands looking as natural as possible and to preserve the natural beauty that surrounds Lake Wallenpaupack. Broadcasting wood chips, mulch or gravel across our property or planting vegetation which is non-native to this area does not preserve that natural beauty nor does it help to maintain the aesthetic character of the project lands; therefore these actions are not permitted.

**Water Uses (docks, mooring buoys and floats)**

**17. How are docks measured?**

A maximum dock length of 50 feet for a residential front lot property is permitted, unless otherwise limited by us. Dock length may be limited due to restricted water space or your location on the lake. Please refer to your Standard Shoreline Use Permit for the permissible dimensions of the dock.



During inspections, the length of the dock is measured from the beginning of the first section containing flotation. We do not begin measuring where your flotation begins. If there is any flotation under the first section of dock, then it is considered a floating portion of the dock and is therefore included in your overall permissible length. The width of the dock is determined based on the amount of frontage a front lot property has along the Project Line. Please refer to the table in the Policy or refer to your Standard Shoreline Use Permit. See sketch illustrating width vs. length.

**18. I bought a bigger boat; can I apply for a dock extension?**

We will not permit a dock extension due to an increase in boat size. Our dock size regulations have been in place for decades with many factors taken into consideration, including boating safety and navigation concerns to keep the lake as safe as possible. We recognize that boats are getting bigger, but the lake is not getting any bigger.

**19. My neighbors dock is too close to mine, what can be done?**

You should approach your neighbor and try to work out an amicable solution. We will not mediate such disagreements. We require that the dock 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 not to impose upon the water frontage of adjacent front-lot owners.

**20. Where do I display the yellow permit tag? Why do I have to mark all sections of my dock, mooring buoy and float with a permit number? Do my jet ski docks also need to be marked?**

The yellow permit tag must be affixed to the front of your dock facing the lake. We provide you with one yellow permit tag. The number on the yellow permit tag is your property identification number or your permit number. The number will not change even if you sell the property. In addition to displaying the yellow permit tag on the front of the dock, your permit number must also be displayed on each section of the dock, including any jet ski docks, as well as any permitted mooring buoy or float. It is the front-lot owner's responsibility to mark all permitted water based uses with the permit number.

We require all sections of docks, jet ski docks, mooring buoys and floats be clearly marked with your permit number for identification purposes as well as in instances where dock pieces break free, buoys are lost or swim floats break free and are found to be floating in the lake. We can then notify the rightful owner when found.

**21. What can I use to mark my dock sections, mooring buoy or float with the permit number? Do you have a certain size, color or location for these numbers?**

There are a variety of methods which people use to mark their sections. The most common is the use of a stencil with spray paint. Others have used vinyl numbers, house numbers from a hardware store, or have found a sign company that makes a durable tag, similar to the one we provide. We do not regulate the size, color or location of the numbers. Our only request is that the numbers be large enough and placed in a location where they can easily be seen. They can be any color you wish and of any material as long as the result is somewhat permanent in nature. The use of a permanent marker is not recommended as the numbers will not last more than a couple months.

**22. I never received a yellow permit tag from you, how do I get one?**

Please call the Lake Office at 1-877-775-5253 or email us to be put on the order list. In the meantime, it is the front-lot owner's responsibility to find the means to mark all permitted water-based uses.

**23. Are personal watercraft (i.e. jet ski) docks/ramps included in the total permissible width of my dock?**

Yes. You may install a personal watercraft (i.e. jet ski) dock, lift or ramp onto your dock as long as it does not extend beyond the permitted dock width or length as described in your Standard Shoreline Use Permit. Dock extensions will not be granted for adding a personal watercraft dock, lift or ramp. Additionally, for community and commercial properties, personal watercrafts are counted towards your total allowable watercraft on your License Agreement.

**24. When do docks and other water-based uses need to be removed from the lake and when can they be put back in?**

Docks and other floating structures, i.e. floats and mooring buoys, must be removed from the lake by Dec. 1 and shall not be placed back in the lake until the ice is gone.

**25. I have a floating trampoline. Do I need a permit to put it in the lake?**

Yes. A floating trampoline is considered a swim float and therefore a Standard Shoreline Use Permit is required to place it in the lake. Please refer to the Policy for size limits.

**26. I have shallow water at the end of my dock, what can I do?**

If you have less than 4 feet of water at the end of your permitted dock, you may qualify for a dock extension. To apply, contact the Lake Office at 1-877-775-5253 or email us. Dock extension agreements require us to make a site visit to take a depth measurement. Since this service is at your request, there is a non-refundable application fee charged.

**27. I cannot store my dock above the normal high water mark (Elevation 1187), what can I do?**

Alternative arrangements will need to be made. This may include hiring a contractor to float your dock to another location for storage. Under no circumstance do we allow docks to be stored below the normal high water mark of the lake.

**28. Am I allowed to store my dock on Brookfield property, above the normal high water mark of the lake?**

Yes, with a valid Standard Shoreline Use Permit which includes a land and dock permit, you may store your dock on our property. The dock must be stored only on Brookfield property fronting your property; we do not allow you to place any uses on an adjacent neighbor's frontage.

**29. If I purchase a lakefront property, will I qualify for the same size dock as the previous owner?**

You will qualify for the same size dock that the previous owner was permitted on their Standard Shoreline Use Permit. If the dock is not in compliance with that permit, then it will need to be corrected. The new owner must apply for permits in their name; permits do not automatically transfer to new owners.

**30. Is Styrofoam being banned from the lake?**

No. We have no immediate plans for the banning the use of Styrofoam under docks on Lake Wallenpaupack. The use of barrels as a flotation material is not permissible and the use of barrels was phased out. Currently, you may use Styrofoam or encapsulated Styrofoam under your dock.

<b>Permits</b>
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**31. What is covered under a Standard Shoreline Use Permit?**

This type of permit allows, where applicable, standard land uses as well as a dock, mooring buoy, and float. Standard land uses include a gravel or loose stone path, wooden or loose stone steps, a wooden or loose stone patio, a loose stone fire pit, shoreline lighting, a storage box, a flag pole, and a reasonable amount of lawn furniture. All of these standard land uses must be installed inland of the normal high water mark. Standard land uses as well as docks, mooring buoys and floats are subject to the additional requirements in the Policy.

Any installation, modifications or replacement of the above uses (excluding the storage box, flag pole and lawn furniture), whether existing or new, will require Brookfield approval. You must submit a sketch to the Lake Office as well as a brief narrative describing the work that is being done along with materials being used and dimensions for all uses. The Land Use Specialist will approve the work if it meets our Policy requirements. Email is preferred.

**32. When do I need a Nonstandard Shoreline Use Permit?**

Front-lot owners interested in doing any work at or below the normal high water mark or any work which causes more than minor earth disturbance on our property requires a Nonstandard Shoreline Use Permit. Examples include, but are not limited to, steps and gravel paths below the normal high water mark, dredging and/or loose stone walls at the normal high water mark. A non-refundable application fee applies. In most cases, federal, state or local regulatory approval and/or permits will be required.

**33. I have shoreline erosion and would like to do repairs. What approvals or authorizations do I need?**

Front-lot owners may want to install certain structures on our property for the purposes of stabilizing the shoreline to control erosion or maintain the aesthetic character of the lands fronting their property. Or perhaps you have an existing stone wall at the normal high water mark and it is beginning to fall down and you would like to repair it. To begin this process, you must apply for a Nonstandard Shoreline Use Permit. Typically, due to the shoreline stabilization structure being of mutual benefit to us, the application fee is waived. As with other nonstandard property uses, the front-lot property owner must acquire additional necessary federal, state and local permits prior to receiving our permission for these structures.

**34. How do I cancel one or more of my permitted uses (i.e. land, dock, buoy, float)?**

All requests for cancellation of one or more of your permitted uses must be made to the Lake Office, in writing (email preferred). The cancelled use must be completely removed from Brookfield property. The use may not be stored on our property without a valid permit. If you request a cancellation of one or more of your permitted uses after having received the annual invoice, you will still be required to pay the permit fee for that year. The change will take affect the following year. Please do not write your request for cancellation on the invoice as payments are not received at the Lake Office and your request will go unprocessed. You must submit a separate written request to the Lake Office. Your Standard Shoreline Use Permit will then be revised to remove the use and mailed to you.

**35. If I request cancellation of one or more of my permitted uses (i.e. dock, buoy, float) on my Standard Shoreline Use Permit, can I get them back at a later time?**

Once individual permit(s) are removed from your Standard Shoreline Use Permit, they can only be re-activated by submitting an Application and gaining our approval. An application fee will apply if you have cancelled this use and are now requesting it back.

**36. When will I receive an invoice for the permit fees?**

Our annual invoicing is mailed in the Spring of each year. It is due 30 days from the date of the invoice. The invoice is mailed to the Primary Contact from your Application for Standard Shoreline Use Permits. The front-lot owner is responsible for notifying the Lake Office of any changes of address or if they no longer own the property. Non-payment of the annual invoice could result in the cancellation of your Standard Shoreline Use Permit.

The annual invoice is not the renewal of your Standard Shoreline Use Permit. Your permit automatically renews year to year if you remain in compliance with the permit and the Policy, including payment of the annual invoice.