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## Shoreline Construction FAQ

The Tennessee River watershed is special. The 26a permitting process was designed to help TVA keep it that way. Here are the most frequently asked questions about 26a permitting, along with answers to help you through the process.

### 1. Can I have a dock?

Please call TVA's Public Lands Information Center (PLIC) at [\(800\) 882-5263](tel:800-882-5263). A TVA representative will review your initial request and advise on your eligibility based on land rights and other considerations.

### 2. Does all shoreline construction require a Section 26a permit?

Section 26a regulation applies to plans for the construction of obstructions affecting navigation, flood control or public lands on the Tennessee River or its tributaries. Whether an obstruction requires a permit depends on its location. Obstructions across, along or in the Tennessee River, TVA reservoirs and streams downstream of TVA dams require a Section 26a permit. Obstructions across, along or in tributaries that are upstream of the influence of a TVA reservoir operations may or may not require a permit. [You can read more about what requires a permit here](#), or you can call the PLIC at [\(800\) 882-5263](tel:800-882-5263) to find out if your shoreline construction requires approval from TVA.

### 3. What happens after I submit my permit application?

Once your application is received, we will review it to make sure it is complete and that the correct fee is included. TVA will contact you about your application, let you know if additional information is needed and will usually conduct a site visit as part of the review process. TVA will confirm your request is consistent with the Section 26a regulations and then will initiate a review to ensure any potential environmental resources or programmatic interests (such as navigation) are minimized.

A Section 26a permit is considered a federal action and is subject to a host of federal regulations and acts, including the National Environmental Policy Act (NEPA). NEPA requires that federal agencies consider the impacts to the environment when making decisions. Modifications to your request may be necessary to minimize any impacts identified. TVA will contact you if that is the case. When the review is complete, TVA will send you a copy of the permit.

#### 4. Do I have to submit an application to the United States Army Corp of Engineers (USACE) also?

TVA will share your application with the appropriate USACE office in most cases. Check with your TVA representative about your application.

#### 5. How long does it take to get a permit and what does it cost?

**Minor shoreline alterations:** The permit application fee for minor shoreline alterations on TVA reservoirs (such as residential docks, piers and boathouses) is \$500. We strive to issue permits within two months. If the application is not complete or other delays occur, the review will take longer.

**Off-reservoir:** Applications for permits not located on a TVA reservoir are assessed an initial application fee of \$250 (i.e., off-reservoir locations). To confirm if your request is located off-reservoir, call the PLIC at [\(800\) 882-5263](tel:8008825263).

**Major shoreline alterations:** The permit application fee for major shoreline alterations on TVA reservoirs (such as marinas, community docks, bridges or aerial crossings) is \$1,000, and applicants may be charged for costs exceeding this initial fee. By their nature, these projects are more complicated and take longer to review. We strive to issue these permits within three months, when no delays occur.

#### 6. Can I transfer a permit?

Section 26a permits are not automatically transferred upon the sale of the permit holder's property. New property owners must contact TVA and submit an application for a permit for the existing (already constructed) structures along the shoreline when they acquire waterfront property. TVA's regulations require that a new property owner notify TVA within 60 days of acquiring the property.

New property owners are required to apply for a permit for existing (already constructed) shoreline alterations when they acquire waterfront property. This application category is called a change of ownership or a transfer. If all of the constructed facilities have been previously approved by TVA and comply with TVA's approval, these applications are assessed an application fee of \$250.

If \$250 is submitted and TVA determines there are constructed facilities that have not been permitted by TVA and they need to be added to the request, then the applicant will need to pay an additional \$250 for the facility or alteration that was constructed without TVA approval. In some situations, modification to the facility may be required if TVA did not approve the construction. When all the existing facilities comply with the previous owner's permit, we strive to issue these permits within two months. The permit review takes longer for facilities not previously approved by TVA or for facilities that do not comply with the previous owner's permit.

#### 7. What causes delays in the permitting process?

Delays in the review of any permit application can result from complications such as incomplete applications, modifications to the project after the application was submitted, potential impacts to

sensitive resources (archeology, wetlands, mussels, endangered species, etc.), potential impacts to TVA's programmatic interests (navigation, flood control, etc.) or unresolved violations and encroachments. There may also be delays associated with obtaining state permits.

## 8. Will I receive a dock tag for my structure?

TVA will send a dock tag for most permitted structures. In particular, structures such as docks, piers and boathouses will get a tag to place on the facility. If you do not receive a tag in the mail please call the PLIC at [\(800\) 882-5263](tel:8008825263).

## 9. Are there building restrictions for my property?

Please call TVA's PLIC at [\(800\) 882-5263](tel:8008825263). A TVA representative will review your request and provide you with important information such as the TVA property boundary, any vegetation buffers or building restrictions on your private land. TVA will not provide a survey of your private property.

## 10. Do permits expire? Can I renew my permit if it expires or do I have to reapply?

Permits expire if construction is not initiated within 18 months of the date the permit was issued. Once construction has begun or is completed, the permit does not expire unless there is a condition in the permit that states that it will expire. TVA can revoke a permit if necessary; for example, when a permit condition is not followed.

## 11. What are the vegetation restrictions at my location?

A Vegetation Management Plan must be submitted and approved by TVA prior to any vegetation disturbance on TVA land. A TVA representative will assist you in determining what is allowed on TVA land adjacent to your property.

## 12. Can someone come out and look at my property before I apply?

Generally a TVA representative will visit your property only after an application is submitted. However, you may wish to verify land rights prior to submitting an application, and you may call TVA to inquire whether a water-use facility is allowed at your location. Please call the PLIC at [\(800\) 882-5263](tel:8008825263).

## 13. I am thinking of buying waterfront property; can I obtain a copy of any previous permits?

Yes, you may obtain a copy of the permit. Please call the PLIC at [\(800\) 882-5263](tel:8008825263). Allow one to two weeks to receive the previous permit/s.

## 14. How large can my facility be at my location?

Generally, in new developments, docks, piers, boathouses and other residential water-use facilities must be 1,000 square feet or less; however, you may be eligible for a waiver to this requirement based on your location. You will need to consult a TVA representative for this determination. Please call the PLIC at [\(800\) 882-5263](tel:8008825263).

## 15. Who is the authorized agent?

The authorized agent is anyone you select to be the point of contact for your application process (for example, your spouse, real estate agent, dock builder, etc.). If you designate an authorized agent on your application, TVA or the United States Army Corps of Engineers (USACE) may contact that individual and the individual may act on your behalf regarding all aspects of your application. TVA will communicate about a permit application only with the applicant or the authorized agent.

## 16. I was told my dock was “grandfathered.” Why do I need a permit?

Facilities permitted by TVA prior to the implementation of TVA’s Shoreline Management Policy (November 1, 1999) are grandfathered. TVA did not require those property owners to modify their permitted facilities to the new standards. However, any time property ownership changes, the new owner is required to request a Section 26a permit for the existing approved facilities. This does not automatically happen upon sale of a property. (See question six.) Additionally, all modifications to grandfathered facilities require a new permit from TVA.

## 17. What is Section 401 certification and why do I have to obtain a permit from my State to get my Section 26a permit from TVA?

Section 401 of the Clean Water Act (CWA) requires that applicants for a federal permit to conduct an activity that may result in a discharge into navigable waters are required to obtain a state water quality certification or permit (Section 401 certification). The CWA also requires that federal agencies cannot issue the permit until the certification has been issued or waived. For this reason, if you need state water quality certification for your activity, TVA may not be able to issue your Section 26a permit until you obtain your certification or a waiver. Please contact your state's water quality office early in the process to minimize delays in receiving your Section 26a permit. Links to these state offices can be found at right.

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[Downloadable Drawings](#) ▶

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[Section 26a Jurisdiction](#) ▶

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Section 26a Regulations ▶

## State Water Quality Offices

[Alabama Department of Environmental Management](#)

[Georgia Environmental Protection Division](#)

[Kentucky Division of Water](#)

[Mississippi Department of Environmental Quality](#)

[North Carolina Division of Water Quality](#)

[Tennessee Department of Environment and Conservation](#)

[Virginia Department of Environmental Quality](#)

[US Army Corps of Engineers](#)

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