



HCWA Buffer Area Access Permit Rules and Regulations

Effective: April 11, 2019

Our Commitment Water Quality and Recreation

The Henry County Water Authority (HCWA) Ordinance 2019-02 was originally established in 1998, and modified in 2019, with the intent to establish rules and regulations in order to provide adjoining property owners with permission to clear underbrush, trim trees, and access to HCWA owned reservoirs through the Buffer Area that surrounds the reservoirs. Ordinance 2019-02 was established upon request of residents who own property adjacent to the Buffer Area surrounding the reservoirs(s), (also known as Adjoining Property Owners). The Ordinance provides for a buffer permit process which allows by privilege, not right, for Adjoining Property Owners to access and use the Buffer Area under certain conditions.

The Henry County Watershed Protection Ordinance (2004-64) establishes critical areas and certain buffers around HCWA reservoirs. The Buffer Area is defined as real property owned by the HCWA that is located adjacent to the full pool elevation of all reservoirs owned by HCWA. This area is typically one hundred fifty (150) feet from the normal pool level of the reservoir. In some cases, the one hundred fifty (150) feet buffer area may not be entirely owned by the HCWA. However, this property is still under the protection of the Henry County Watershed Protection Ordinance and must comply with all Georgia Environmental Protection Division (GEPD), and U.S. Environmental Protection Agency (EPA) guidelines.

The HCWA strives to work with the community by creating partnerships and providing limited recreational use of its drinking water reservoirs, while protecting the Buffer Areas around the reservoirs.

The Authority's objectives include:

- Protecting the Buffer Areas from any activity that may lead to erosion;
- Protecting drinking water reservoirs from sedimentation clouds that affect water treatment facilities;
- Ensuring compliance with federal, state, and county regulations and ordinances; and

- Striving to maintain clean drinking water within reservoirs.

Drinking Water Reservoirs

The Henry County Water Authority (HCWA) owns and operates five drinking water reservoirs within its reservoir network. HCWA is what is referred to as a "surface water system" because its raw water supply is collected primarily from rainfall that runs off the earth's surface and eventually into its drinking water reservoirs. The HCWA reservoir network includes:

1. The 1,466-acre Tussahaw Reservoir,
2. The 1,100-acre Upper Towaliga or Ed L. Cole Reservoir,
3. The 121-acre Lower Towaliga or Robert W. Strickland, Jr. Reservoir,
4. The 277-acre Long Branch or James H. Rowland Reservoir, and
5. The 209-acre Gardner or Indian Creek Reservoir.

Why Protect Buffer Areas?

The Buffer Areas surrounding HCWA reservoirs provide numerous services that help maintain high quality drinking water for Henry County. These buffered areas filter runoff before it reaches the reservoirs; assist with erosion control; and provide habitat for various animal species. Without the Buffer Areas, run-off from parking lots, roads, golf courses, and other impervious services will flow into the reservoirs without filtration, which can degrade water quality. Buffer Areas are one of the primary ways of preventing pollutants from entering reservoirs. The HCWA strives to keep the Buffer Areas surrounding its reservoirs in the best possible condition in order to not only maintain the quality of water its customers expect, but also assist with keeping the watershed healthy. For more information on watershed protection, please visit www.hcwa.com or www.northgeorgiawater.org.

Buffer Permit Requirements

Who Needs a Buffer Permit?

Any Henry, Spalding, or Butts County resident who owns property adjacent to the Buffer Area that surrounds any HCWA owned reservoirs and wishes to clear underbrush, trim trees, or access HCWA owned reservoirs through the Buffer Area must obtain a "Buffer Area (Work) Permit" or "Buffer Area (Access) Permit", from the Henry County Water Authority.

The Buffer Permit will allow Adjoining Property Owners to access the reservoir through the Buffer Area and conduct a preapproved set of activities in the Buffer Area.

Obtaining a Buffer Permit

The Adjoining Property Owner shall complete and file with the HCWA an application for a Buffer Area (Work/Access) Permit and shall submit a diagram or drawing showing the portion or portions of the Buffer Area that will be affected.

A Buffer Permit application may be obtained from the Reservoir Office of the Henry County Water Authority Reservoir Department at 100 Collins Road Locust Grove, Georgia during normal business hours 8:00 a.m. to 4:00 p.m. or online at www.hcwa.com.

Application Process – Buffer Area (Access) Permit

If the Adjoining Property Owner wishes to access the Buffer Area without creating a walking path, fishing/picnic area, or disturbing the Buffer Area in any way, he/she may apply for a Buffer Area (Access) Permit. The Adjoining Property Owners must present the following:

- A plat of the land or an image of the portion of the Buffer Area that the Adjoining Property Owner desires to access;
- Current listing of family members that would access the Buffer Area;
- Proof of ownership (or rental agreement);
- A government issued ID (i.e. valid driver's license)
- Signed release to hold harmless agreement

Application Process – Buffer Area (Work) Permit

Adjoining Property Owners who wish to conduct work in the Buffer Area must include and describe the following:

- Photos of the underbrush that the property owner desires to remove;
- The method by which the underbrush will be removed;
- The method of disposal for the underbrush;
- Photos of the trees to be pruned clearly marked with flagging tape;
- Photos of the proposed walking trail clearly marked;
- Photos of the fishing/picnic area to be cleared clearly marked with flagging tape;

For assistance with the permit application process, please contact the Reservoir Department at (678) 583-3930.

Fees

There is no fee associated with obtaining a Buffer Area Permit, at this time. However, a Reservoir Use (Fishing) Permit

is required for fishing at a cost of \$45. Senior citizens (persons aged 62 and older), handicapped, and active or retired military, may purchase permits at a reduced rate of \$25.00.

Permit Renewal

Buffer Permits may be renewed each year at the Henry County Water Authority's Reservoir Department office at 100 Collins Road Locust Grove, Georgia 30248.

Buffer Area Privileges

General Rules and Regulations

- All Henry County residents under the age of 16 must be accompanied by an adult.
- All persons using/accessing the Buffer Area must comply with the Buffer Permit and HCWA Reservoir Use (Fishing) Permit and the State of Georgia Department of Natural Resources Fishing rules and regulations.
- Valid ID is required at all times when using/accessing the Buffer Area/HCWA Reservoir and must be presented to HCWA enforcement officials or Henry County Law Enforcement if requested.
- Permittees, and the family and guest of permittees, are mere licensees whose right to remain in the Buffer Area or on property of the HCWA is terminable at will and without notice.
- Permittees must accompany family and guest(s) when using/accessing the Buffer Area and HCWA Reservoir at all times.
- No Adjoining Property Owner or permittee shall build any structure or conduct any type of activity in the Buffer Areas that is not authorized by the Buffer Permit.
- Issuance of a Buffer Permit does not grant the permittee any right to fish or access water. The permittee and his or her family is allowed to fish from the buffer area provided that a valid Reservoir Use (Fishing) Permit is obtained.
- It is the responsibility of the Adjoining Property Owner to obtain a Buffer Permit before beginning any type of work in or accessing the reservoir through the Buffer Area.
- Where a permit has been issued for work in the Buffer Area to an adjoining property owner (or allowances per the Ordinance), no other person except for agents, employees, and representatives of the HCWA will be allowed to use or cross over the buffer area.

Allowances

Activities that may be considered when requesting a Buffer Permit include, but are not limited to:

- Hand clearing of exotic (non-native) plant species, such as Chinese Privet (*Lingstrum sinense*) and Kudzu (*Pueraria lobata*).
- Removal of dead or diseased trees if the trees pose a hazard to human safety;
- The use of handheld power tools such as chainsaws, string trimmers, etc.;
- Fishing from the Buffer Area between sunrise and sunset each day, provided a Reservoir Use (Fishing) Permit is obtained;

Restrictions

Activities that are prohibited within the Buffer Area include, but are not limited to the following:

- Any activity that involves bodily contact with the water in the reservoir including, but not limited to wading, swimming, or bathing;
- The construction of structures or other activities not specified on the permit;
- Storing watercrafts or any other item in the buffer area;
- Consumption of alcoholic beverages or use of drugs;
- The use of fish baskets, seines, set hooks, and trotlines;
- Burning;
- Motorized vehicles including, but not limited to cars, trucks, ATVs, heavy equipment, logging equipment, etc.
- The operation and use of any noise-producing device which is unreasonably annoying or endangers individuals or wildlife;
- The use of guns, bows and arrows, spears, loaded projectile firing devices, or explosive devices, unless part of an HCWA organized event;
- Disturbance of surface water conveyances including flowing and non-flowing creeks, streams, swales, ditches, and any other surface feature conveying water during rainfall events;
- Application of herbicides, insecticides, or other chemicals, liquids, aerosols, powders, pellets, gases, or other such substances formulated to control or kill plant or animal species;

- Soil disturbances such as disking, plowing, tilling, earthmoving, grading, filling, draining, ditching, diking, dredging, mining, or similar activities;
- Commercial activities of any kind;
- Grazing of domestic animals; and
- Timber harvesting and/or unauthorized removal of trees.

Violations/Penalties

Any violation of the prohibitions of this document may result in a fine up to, but not to exceed \$1,000 per violation, per day and shall be required to reimburse the HCWA any expenses incurred by the HCWA in repairing, correcting, or restoring any damage to the Buffer Area or HCWA's property.

Any non-permitted user of the HCWA reservoir(s) and Buffer Areas shall be considered a trespasser and shall be punished for the offense as authorized under the laws of the State of Georgia. Any permitted individual violating the laws of the State of Georgia while on a reservoir or on HCWA property shall be punished as prescribed by the laws of this state.

To report violations contact:

- Henry County Police Department at (770) 288-8200
- Georgia DNR at (706) 557-3333
- HCWA – Reservoir Department at (678) 583-3930

Enforcement

Buffer Area Inspections are routinely conducted by HCWA to ensure compliance with the Rules and Regulations. The Reservoir Manager, HCWA designees, or law enforcement will be responsible for the enforcement of the rules and regulations.

FAQ's

1. **If I own property adjacent to the reservoir, will I need a Buffer Permit and a Reservoir Use (Fishing) Permit?**
You will need a Buffer Permit only if you want to clear underbrush, trim trees, or access an HCWA owned reservoir from your property. Additionally, you will

need a Reservoir Use (Fishing) Permit should you desire to fish in the reservoir.

2. **Is Fishing Allowed with a Buffer Permit?** *No, the Buffer Permit allows for access and use of the Buffer Area under certain conditions. A separate Reservoir Use (Fishing Permit) is required for fishing.*
3. **Once I obtain a Buffer Permit, can I prevent others from fishing near the shoreline of my property?** *A Buffer Permit allows access only to the area adjacent to your property. The Buffer Permit does not permit traversing along the shoreline in front of other properties.*
4. **Can my family members access the Buffer Area with a Buffer Permit?** *The permittee and his or her family are allowed to fish from the Buffer Area provided that a valid Reservoir Use (Fishing) Permit is obtained.*
5. **I am having a party; can I allow my guests to fish from the Buffer Area now that I have a Reservoir Use Permit?** *The permittee and his or her family (and guest) are allowed to fish from the Buffer Area provided that valid Buffer Permit and Reservoir Use (Fishing) Permits are obtained.*
6. **Can I apply for a Buffer Permit, if I rent or lease property?** *Yes, if you can provide written documentation from your landlord and adequate supporting documentation that you rent or lease the property, you may apply for a Permit.*
7. **Now that I have a Buffer Permit and Reservoir Use Permit, can I launch a watercraft from my property?** *No, for safety and security reasons, all watercraft must be launched at a designated public boat ramp, provided that the reservoir is open to the public.*
8. **Why do I have to renew my permit annually?** *Property ownership and rules change. HCWA needs to have up-to-date information on file.*
9. **My property is not in Henry County; can I apply for a Buffer Permit?** *Yes, if you own property in Butts or Spalding County and your property is adjacent to HCWA owned reservoirs, you can apply for a permit.*
10. **Am I allowed to leave my watercraft along the shoreline and within the Buffer Area?** *No, personal items are not allowed to remain on HCWA property without HCWA's consent. HCWA has the right to remove any items on HCWA's property at the Adjoining Property owner's expense.*
11. **What should I do if I believe that I am in violation of the Ordinance?** *You should correct the violation as*

soon as possible. Please contact HCWA should you have any questions.

12. **What if I have been in violation for a number of years?** *In most cases, HCWA will provide written notification and corrective action. However, immediate action may be required in some instances.*
13. **Can I access the Buffer Area through my Homeowners Association (HOA) owned property?** *No, the Buffer Area is owned by HCWA.*

Questions and Concerns

The HCWA strives to maintain close contact with permit holders and strives to effectively protect the reservoir and eco system. The Reservoir Department will gladly assist permit holders with any questions or concerns regarding Buffer Areas or Reservoir Use (Fishing) Permits. The Reservoir Buffer Protection and Access Ordinance 2019-02 and the Henry County Watershed Protection Ordinance (2004-64) may be viewed in their entirety on hcwa.com. Should you have any questions or concern, feel free to contact us:

HCWA- Main Office

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(770) 957-6659
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HCWA-Reservoir Department

100 Collins Road Locust Grove, GA 30248
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