US Army Corps
of Engineers®
Little Rock District

Beaver Lake Shoreline Management Plan

Section II - Park Management (D) Shoreline Management
Operational Management Plan
April 2008

WHITE RIVER WATERSHED
ARKANSAS
WHITE RIVER
BEAVER DAM AND LAKE

OPERATIONAL MANAGEMENT PLAN
FOR BEAVER LAKE

APPENDIX A
SHORELINE MANAGEMENT PLAN

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APPENDIX A
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SECTION I

INTRODUCTION

1-01. Purpose. The Shoreline Management Plan for Beaver Lake establishes policy and furnishes guidelines for the protection and conservation of the desirable environmental characteristics of the lake while maintaining a balance between public and private shoreline uses. The Shoreline Management Plan provides for the effective long-range management of the shoreline resources of Beaver Lake. This plan describes the types of private uses and activities that may be permitted on public land. The plan also considers means of restoration of the shoreline where degradation has occurred because of private exclusive use.

1-02. Authority. This Appendix was prepared in accordance with the requirements of 36 CFR 327.30 dated 1 July 2001 (Exhibit I), SWLR 1130-2-48 dated 6 January 2003 (Exhibit II) and ER 1130-2-406 dated 31 October 1990 (Exhibit III).

1-03. References.

a. 36 CFR 327.30, dated 1 July 2001, Shoreline Management at Water Resources Development Projects Administered by the Chief of Engineers.

b. ER 1130-2-406, dated 31 October 1990, Shoreline Management at Civil Works Projects.

c. SWLR 1130-2-48, dated 6 January 2003, Shoreline Management at Civil Works Projects.

d. Beaver Lake Shoreline Management Plan, dated 28 August 1998.

1-04. Private Recreation Facilities. Private recreation facilities as discussed in this plan include boat moorage facilities (docks), swim decks, ski jumps, courtesy docks and duck blinds. Private floating facilities used for boat mooring will not exceed the minimum size required to moor the owners' boat or boats plus a minimum area for storage of oars, life preservers, and other items essential to the operation of the watercraft. Private floating facilities will not be used for human habitation.

1-05. Other Private Shoreline Uses. Individuals may apply for permits to make minor alterations to vegetation around habitable structures for land-based private uses including vegetation modification, footpath construction, planting, underbrushing, mowing, and erosion control.

1-06. Natural Resources Mission Statement.

The U.S. Army Corps of Engineers (USACE) is the steward of the lands and waters at USACE water resources projects. Its Natural Resources Management Mission is to manage and conserve those natural resources, consistent with ecosystem management principles, while providing quality public outdoor recreation experiences to serve the needs of present and future generations. In all aspects of natural and cultural resources management, the USACE promotes awareness of environmental values and adheres to sound environmental stewardship, protection, compliance, and restoration practices. The USACE manages for long-term public access to, and use of, the natural resources in cooperation with other federal, state, and local agencies as well as the private sector. The USACE integrates the management of diverse natural resource components such as fish, wildlife, forests, wetlands, grasslands, soil, air, and water with the provisions of public recreation opportunities. The USACE conserves natural resources and provides public recreation opportunities that contribute to the quality of American life.

1-07. Future Legislation, Regulations and Policies. This plan will incorporate any future legislation, regulations, operating memorandums, or policies pertinent to U.S. Army Corps of Engineers Civil Works Projects and/or Beaver Lake. Changes of this type will be considered an administrative change and will be incorporated without additional review.

1-08. Operational Management Plan. Upon approval, this Appendix will become a part of the Updated Operational Management Plan for Beaver Lake.

SECTION II

OBJECTIVES OF THE PLAN

2-01. General. Experience has proven that management is necessary to prevent large sections and possibly all of the shoreline from becoming congested with private floating facilities and thereby lost for public use and enjoyment. Management of the shoreline will provide an opportunity for optimum recreational experiences for the maximum number of people, the environment, and project resources.

a. The objectives of this plan are to manage and protect the shoreline; to establish and maintain acceptable fish and wildlife habitat, aesthetic quality, and natural environmental conditions; and to promote the safe and healthful use of the lake and shoreline for recreational purposes by all Americans.

b. Boat owners will be encouraged to moor their boats at commercial marinas, utilize dry storage facilities off project lands, or trailer their boats to a public launching facility. Launching ramps are provided in the Corps parks and at launching complexes developed by the city, county, and state governments.

c. Vegetation modification will be permitted in limited development and protected areas for footpaths, planting, underbrushing, mowing, and erosion control. These activities require prior approval and a shoreline use permit from the Operations Manager at Beaver Lake.

2-02. Commercial Concessions. Floating facilities used in connection with the commercial concessions located in the parks are not affected by the shoreline allocations presented in this plan. These commercial operations are controlled under existing Real Estate regulations. The services and storage facilities provided by these commercial operations will reduce the need for numerous individually owned docks along the shoreline.

2-03. Motel/Resorts/Campgrounds.

a. Floating facilities and vegetation modification activities in connection with commercial concessions, limited motel/resort/campground leases, and boats with cabin license operations are subject to the shoreline allocations and minimum size requirements presented in this plan. Due to the economic impact on existing motel/resorts that already have docks for bona-fide guests, these campground leases and limited motel/resort licenses may be renewed to the present owner or transferred to the next owner, and the floating facilities serving these operations may remain moored at their present locations even though they may not be in areas currently designated for limited development. Expansion of existing docks serving limited motel/resort leases in areas not approved for limited development will be considered on a case-by-case basis. These docks may be converted to facilities covered by a shoreline use permit. Any replacement facilities must meet the four slip minimum requirement.

b. Shoreline use permits (ENG 4264-R) are not issued for these facilities. These docks are granted leases by the Real Estate Branch in accordance to SWLOM 405-1-5, dated 9 January 1993, Outgrants Limited Motel/Resort/Campground Leases. Any newly approved docks must have a minimum of four slips. The maximum number of slips they may provide is effectively controlled by regulations concerning those leases.

c. There is a growing trend for developers to construct and convey interest in resort complexes on a time-share basis. The parent company retains ownership in all common areas and facilities and performs the overall management of the operation. Since the time-share owners are limited in the time they can occupy the unit, generally for a 1- or 2-week period each year, they are basically the same as a guest of a facility operated under a limited motel/resort lease. Accordingly, the parent company of time-share resort-type facilities can qualify for limited motel/resort leases if all other requirements are met.

2-04. Private Exclusive Use.

a. Ownership of private land does not convey any exclusive rights to the use of the adjoining public lands. It is the objective of this plan to control private exclusive use of public property to the degree necessary to gain maximum benefit to the general public and adjoining private landowners. The issuance of a private shoreline use permit does not convey any real estate, personal property rights, or exclusive use rights to the permit holder. The public's right of access and use of the permit area must be maintained and preserved.

b. There are many areas around the lake where rental homes are adjacent to government property. These homes may be rented on a long term basis or short term, such as a weekend. Rental of the home does not convey any rights or permission for use of a private or community boat dock that may be owned by the owner of the home. Only bonafide owners of the dock are allowed to moor their boats in the dock.

2-05. Background.

a. Beaver Lake was selected as one of three representative study areas in the Southwestern Division designated to develop the initial Lakeshore Management Plans. The Division Engineer approved the general concept for shoreline management on 26 October 1972. The general public participated in the development of the first lakeshore management plan for the lake at a public meeting held in Rogers, Arkansas, on 21 November 1972.

b. The initial plan was reviewed, updated with public involvement in May 1978, and approved by the Division Engineer on 29 November 1978. Beginning in October 1983, the Lakeshore Management Plan for Beaver Lake was once again reviewed and updated with public involvement. The Division Engineer approved the updated plan on 20 August 1984.

c. After a period of public involvement, 35 rezoning requests were approved as a supplement to the Beaver Lakeshore Management Plan on 24 April 1989. In June 1991, 86 rezoning requests were considered and presented at a public workshop. Subsequently, 55 of the rezoning requests were approved as a supplement to the Beaver plan on 4 October 1991.

d. The previous review and update was initiated in October 1994, for rezoning requests only. This supplement was approved on 26 April 1995. There were 178 rezoning requests. A public workshop was held in Rogers, Arkansas, in December 1994. Eighty rezoning requests were approved, 70 requests were denied, 28 requests were withdrawn by the applicants. Twenty-nine Limited Development Areas were removed or reduced.

2-06. Plan Conversion. Revision of 36 CFR 327.30 in 1990 required the Little Rock District to convert its approved lakeshore management plans to shoreline management plans. The District's draft operating policy for shoreline management was discussed at a public workshop held at the Beaver Lake Office on 14 May 1991. The final draft of the District's Shoreline Management Operating Policy was presented at a public workshop in Rogers, Arkansas, on 15 September 1992.

2-07. Current Review and Update. During the 1998 SMP review, three public workshops were held; 15 July at Eureka Springs, 16 July at Rogers, and 28 October 1997 at Rogers with 411 public comments received. There were 48 rezoning requests. Twenty-four rezoning requests were approved, 18 requests were denied, and the applicants withdrew six requests. The twenty-nine Limited Development Areas removed or reduced in the 1995 review were reinstated.

2-08. Five-Year Review and Annual Assessments.

a. Shoreline management plans will be reviewed at least once every 5 years. The plan may be supplemented more frequently should regulations, project operation, project conditions, or management objective change significantly. The District Engineer may approve minor administrative revisions to the plan when the revisions are consistent with ER 1130-2-406 or 36 CFR 327.30. The addition or deletion of limited development areas is not a minor revision. Revisions of this nature will require public involvement and approval by the Division Commander.

b. Rezoning requests will not be considered or accepted in future updates until the current Limited Development Areas are utilized to the maximum extent permitted by 36 CFR 327.30, dated 1 July 2001.

c. The Operations Project Manager at the Beaver Lake Project Office will annually review the shoreline management program. This review will include any changes in use patterns, shoreline management objectives, amount of unused Limited Development Areas, number of private and community docks and number of boat dock slips. This annual update allows the Operations Project Manager to closely assess the overall conditions of the shoreline program.

SECTION III

DESCRIPTION OF THE SHORELINE

3-01. General. Beaver Lake is located in the highlands of the Ozark Mountain region of northwestern Arkansas. The shoreline area is irregular in shape with many deep arms and coves. The surrounding shoreline is generally steep with many overhanging bluffs and ledge outcrops. Some of the coves in the upper end of the lake area are less steep and are subject to rapid dewatering with only a moderately lower pool stage.

3-02. Land Acquisition Policy. The real property fee acquisition line for Beaver Lake, as a general rule, was blocked out along regular land subdivision or property ownership lines to include all lands below the elevation 1,128 m.s.l. (mean sea level) or to include the lands required for public access areas.

a. Flowage easements were acquired above the blocked out fee acquisition line up to, as a general rule, elevation 1,135 m.s.l. In some areas, however, the guide contour for easement acquisition varies between 1,135 and 1,148 feet m.s.l. Flowage easement gives the government the perpetual right to flood privately owned land, if necessary, for operation of the project and to prohibit any structures capable of human habitation. Construction of other types of structures on flowage easement is limited to those meeting U.S. Army Corps of Engineers approval.

b. In those areas where acquisition of easements on extremely small areas was not practical, the blocked out line for fee acquisition was extended to include the easement contour. As a result of this blocking out process, the government boundary is a very uneven line rather than a straight "bowl" around the lake.

3-03. Shoreline/Boundary Line.

a. At top of conservation pool elevation 1,120 m.s.l., the lake has a shoreline of 449 miles. As the pool rises to the top of flood control pool elevation 1,130 m.s.l., the shoreline length increases to 483 miles. The boundary line is defined by surveyed monuments placed at ground level. The survey markers are 3 ½ inch diameter, round, brass caps, and are stamped to show the monument number, the year surveyed, and the agency, Little Rock District, U.S. Army Corps of Engineers.

b. A five-foot white steel fence post is set approximately one-foot from the survey marker or monument as an aid to location. Normally, the project boundary is a straight line between consecutively numbered survey markers. The elevation and distance between these survey markers vary. Some trees along the boundary line are marked with a 4-inch wide white band as an additional aid to the location of the line. However, these trees are usually off-line and only indicate that the line is nearby. The vandalism, removal, or destruction of survey monuments is a violation of 36 CFR. Partial survey plats and data are available at the Beaver Lake Office or online at http://www.swl.usace.army.mil/parks/beaver.

3-04. Present Land Use. The Beaver project area contains 40,463 acres. There are 38,039 acres owned in fee and 2,424 acres are in flowage easement. The 138-acre administrative area at the dam site and the 31,700 acres located below the flood control pool are allocated for project operations. There are 2,931 acres allocated for recreation-intensive use. A portion of this land is located below the flood control pool and is dually allocated for wildlife management by the Corps. Approximately 1,650 acres above the top of the conservation pool are dually allocated for recreation-low density and as natural areas.

3-05. Private Development. The area around Beaver Lake is a popular vacation and retirement area. This is evident by the fact that several hundred subdivisions adjoin government ownership. The population of Northwest Arkansas (Fayetteville, Springdale, Rogers and Bentonville) was 420,000 in 2006.

3-06. Existing Access. The waters of Beaver Lake are easily accessible to the recreational boaters and the adjoining property owners alike. In addition to the 19 launching ramps located in the parks, there are approximately 150 launching ramps/severed roads around the lake that are also used by residents and sportsmen for boat launching. The launching ramps have been constructed on rights-of-ways granted to local county governments for the construction of public launching ramp complexes. Many of these complexes, consisting of an access road, parking area, and launching ramp are located adjacent to the subdivision developments.

3-07. Prior Commitment. Private boat docks have been permitted on Beaver Lake since it became operational in January 1964. The number of private floating facilities on the lake has continued to increase since that time.

Beaver Lake Boat Dock Summary										
Years	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Private Docks	866	976	1117	1172	1180	1180	1153	1146	1152	1135
Community Docks	336	348	371	386	347	383	399	455	477	522
Total Docks	1202	1430	1488	1558	1527	1563	1552	1601	1629	1657

3-08. Hobbs State Management Area. The Hobbs State Management Area is managed jointly by the Arkansas Department of Parks and Tourism, the Arkansas Natural Heritage Commission, and the Arkansas Game and Fish Commission. The government property and shoreline adjacent to the Hobbs State Management Area property have been zoned as Recreation Area. Most of this area is in remote areas of the lake and will not affect any docks already under permit. The current shoreline allocation was made at the request of the Division of Arkansas State Parks, Arkansas Department of Parks and Tourism.

3-09. Historical/Archeological/Cultural. The U.S. Army Corps of Engineers is charged by law (P.L. 96-515 Section 110) and regulation ER 1130-2-540 with the responsibility and efficient management of all Historic Properties on lands under its control. ER 1130-2-540 defines the term "Historic Properties" as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

3-10. Indian Lands. There are no Indian lands within the boundaries of the Beaver Lake project.

3-11. Proprietary Jurisdiction. No other Federal agencies have jurisdiction over administration of the lakeshore covered by this plan.

SECTION IV

WATER QUALITY

4-01. General. The Master Plan states that the use of Beaver Lake and the White River below Beaver Dam are classified in Use Class A by Arkansas Water Quality Standards, Regulation No. 2 as promulgated in September 1973, by the Arkansas Department of Pollution Control and Ecology. This classification defines Class A waters as suitable for primary contact recreation, propagation of desirable species of fish, wildlife, and other aquatic life, raw water source for public water supplies, and other comparable uses. Water quality management is a complex and challenging task due largely to the extensive and varied human activity both in and around the lake. The broad goal of this management responsibility is to promote water quality adequate for safe and healthy public use as well as conservation of wildlife, fish, and other beneficial aquatic life.

4-02. Water Intake Structures. There are currently four water districts that use Beaver Lake for water supply. They are Beaver Water District, Carroll-Boone District, Madison County District and the Benton/Washington County Water Association. The shoreline allocation around these areas is designated as Prohibited Access Areas.

4-03. Importance. Beaver Lake continues to provide a safe and dependable public drinking and industrial water supply, as well as aquatic habitat, and recreational opportunities. Safeguarding the water quality of the lake is of utmost importance. The cooperation of all individuals, federal, state, and local agencies is necessary in this effort.

4-04. Marine Sanitation Devices.

a. All permanently installed boat toilets must have a U.S. Coast Guard certified Marine Sanitation Device (MSDs). The use of any type MSD other than a U.S. Coast guard approved "no discharge" type is prohibited. Proof of state certification must be displayed on the vessel.

b. The discharge of any type of effluent in the waters of Little Rock District lakes is prohibited.

c. Only approved marine pumpout locations may be used.

d. Houseboats/vessels with marine sanitation devices (MSD) must be permanently moored at commercial marinas.

SECTION V

SHORELINE ALLOCATION

5-01. General. Increased development of adjoining private land increases the demand for private shoreline uses and floating facilities; therefore, it is readily apparent that a plan for systematic development of the shoreline is essential. This approach is intended to protect the natural beauty of the shoreline and to balance shoreline uses to maximize the benefits for the most users.

5-02. Allocations. The current plan represents modifications of the original 1972-73 Lakeshore Management Plan. The shoreline of Beaver Lake is currently allocated into four major categories in accordance with 36 CFR 327.30, Shoreline Management on Civil Works Projects. These allocations extend from the water's edge to the project boundary for land-based uses and from the shoreline waterward for floating facility considerations. The classifications are delineated on the "Official Map" displayed in the Duty Room at the Beaver Lake Office, in Rogers, Arkansas. No changes will be made to the Official Map except through the formal updating process. A comprehensive study of the entire lakeshore, involving public participation, resulted in development of a Shoreline Management Plan for Beaver Lake that establishes the following shoreline allocations:

a. Limited Development Areas. Private floating facilities, vegetative modification, footpath construction, and limited motel/resort leases are permitted in this allocation.

(1) The density of development in limited development areas will depend upon and be consistent with the ecological and aesthetic characteristics of the particular area. The density of development will not exceed 50 percent of the shoreline allocated for limited development when the lake level is at the top of the conservation pool. Density will be determined by measuring linear feet of shoreline in the zone and comparing it to the width of the facilities.

(2) Docks will be spaced a minimum of 100 feet apart at 1120 m.s.l. (conversation pool). This distance, measured at conservation pool elevation, will provide increased fire protection, personal privacy, shoreline aesthetics, fishing access, and general recreational use. The open space will also facilitate frequent maintenance of docks, cables, stiff-arms, and related features of the dock. Sufficient open space will be maintained for simultaneous maneuvering of swimmers and several watercraft in a safe manner. Lesser spacings that have been previously approved will be grandfathered.

(3) Approximately 23.6 percent of the shoreline at top of conservation pool is designated for limited development. Each area will be considered separately as applications and facilities approach saturation. Location on the lake, fluctuation of water level, and other criteria will be the determining factors. Site evaluations may not be conducted if the current evaluation is above the 1,120 m.s.l., or the ranger cannot make a valid site evaluation. There may be conditions such as low lake levels that would prevent a ranger from making a site evaluation.

(4) All United States citizens have an equal opportunity to moor a dock in limited development areas that have not reached the maximum density of development. All owners of a floating facility must have legal access to government land for that facility. In the event that the individual(s) do not own the adjacent land to the facility, then a recorded lease or easement for the access must be provided that allows all and any future owners of the dock the right of ingress and egress, for at least the duration in which the permitted facility is present. The permittee must provide the Operations Project Manager proof of legal access, plat of adjoining land that describes the subdivision and access area, as well as a recorded lease or easement for parking on private property. Access across public land will be limited to pedestrian traffic only. Public roads will not constitute legal access when applying for a permit, unless parking is guaranteed on private property. Parking along a public road is not acceptable. The dock site shall not be greater than 200 feet laterally in either direction along the government property line from the point of legal access. If flowage easement is involved, the owners must be adjacent landowners to the flowage easement land or have legal access for all co-owners.

b. Public Recreation Areas. Private floating facilities are not permitted within or adjacent to developed or future parks. Individuals or groups are not permitted to make any modifications of the landform or vegetative characteristics of lands under this allocation. With a real estate instrument, commercial boat docks and concessions are permitted in public recreation and buffer areas.

c. Protected Shoreline Areas. Shoreline Use Permits will not be issued for floating facilities in these zones. Protected shoreline areas are those areas designated to maintain or restore aesthetic, fish and wildlife, historical, cultural, physical limitations, or other environmental values. Other reaches of the shoreline were included under this allocation for physical protection reasons including shallow areas and reaches of the shoreline subject to exposure to winds or currents. Vegetation modification and footpath construction may be permitted in these areas, but are at the discretion of the Operations Project Manager. The Operations Project Manager must determine that the requested land use will not adversely impact the environment or physical characteristics of the zoned area prior to issuing the shoreline use permit. A few existing docks are located within these areas and have been grandfathered.

d. Prohibited Access Areas. No Shoreline Use Permits will be issued in Prohibited Access Areas. These areas typically include hazardous zones near dams, spillways, hydroelectric power stations, and water intake structures. Public access is not allowed in these areas for health, safety, and security reasons. Power line crossings are considered as a prohibited area, but are not designated on the map. Docks will not be located within the 30-foot power line easement.

e. Beaver Lake Shoreline Zoning Allocations.

Zoning Allocation	**Percentage**
Limited Development Area	23.6
Public Recreation Area	16.0
Prohibited	1.0
Protected	59.4

SECTION VI

PRIVATE FLOATING FACILITIES AND CONDITIONS

6-01. General. The following guidance is provided to assure the most effective use of the limited amount of shoreline set aside for the mooring of private floating facilities and other private shoreline uses.

a. A separate family household may have a maximum of two slips in any new dock and may not own an interest in more than one facility on the lake. Valid state boat registration will be necessary to verify slip needs. If there is no boat registration at the time of the request a letter of intent to purchase a boat must be provided to the Operations Project Manager. A valid boat registration must be provided prior to the final inspection of the dock. A family household is defined as individuals living at the same address. A family household may have only one of the two following items to preclude usurpation of the shoreline. The applicant may have either:

(1) A permit for a private floating facility.
(2) Ownership of a slip in multi-owner dock.

b. The Operations Project Manager will approve the size, configuration, and anchoring plan for docks. The maximum size of private floating facilities, including community docks, will be 20 slips for safety reasons and to assure maneuverability of the dock during periods of pool fluctuation. Existing docks larger than 20 slips will be grandfathered if safely maintained and shoreline is not needed for a higher purpose.

c. Docks should not extend out from the shore more than one-third of the cove width at conservation pool elevation. The maximum length of a walkway will be 40 feet. Requests for longer walkways will be reviewed on a case-by-case basis by the Operations Project Manager.

d. Floating facilities will not exceed the minimum size to moor the owner's boat(s) plus the minimum size enclosed storage locker for items essential to watercraft operation. Maximum size of a locker will be 6 feet wide by 3 feet deep per slip. A minimum of 3 feet open decking must be provided on the walkway for access. Floating facilities will not be used for human habitation. New docks must be constructed with open sides. All vessels must be moored inside a slip of the dock.

e. A swim deck is a floating facility that is attached to a dock that has boat moorage stalls. The primary purpose of a swim deck is for swimming or sunbathing. All new swim decks will be open in design. Swim decks cannot extend more than the length or width of the dock and may not be wider than 8 feet. Swim decks may be hinged or permanently attached. If a swim deck is attached to the shallow or shore side of the dock, hand and guardrails are required on that side of the deck. Only one swim deck will be allowed per dock. Diving boards or water slides will not be approved for use on private floating facilities. Ladders will be authorized on docks.

f. A swim dock is a floating facility that is not attached to a boat moorage type facility. New swim docks will not be permitted after 28 August 1998. However, currently permitted facilities will be grandfathered. Mooring slips may be added to existing swim docks upon approval of the Operations Project Manager.

g. Current valid state boat registrations will be required with the permit application to support boat ownership and the need for mooring space. If there is no boat registration at the time of the request a letter of intent to purchase a boat must be provided. A valid boat registration must be provided prior to the final inspection of the dock. This requirement is necessary to preclude commercial activity on the floating facility. Personal watercrafts are classified as vessels and will be considered vessels that can be moored in a dock. If a personal watercraft is counted as a vessel for a slip, the slip must be built the same as for any other vessel, including walkways. Personal watercraft attachments are permitted only on the leeward side of the dock or inside a slip.

h. The permit for a community dock will be issued to the person designated as the authorized representative for the slip owners in the dock. The authorized representative designation does not give any more rights to the individual than the other owners in the dock. Valid state boat registration will be used to verify slip ownership, the size, and the number of slips needed. Where it is applicable, electrical certification is also required.

i. A permit for a community dock does not give the members any exclusive rights with regard to the use of public land. The permit does not give the owners the right to remove vegetation or to construct breakwaters to protect the dock from wave action or install buoys to restrict speed of passing boats. Parking and vehicular access is prohibited on government property.

j. Requests to expand a dock will be subject to prior approval by a majority of the other owners with an interest in the dock and the Operations Project Manager. If the dock is to be replaced or have structural changes, all owners must approve the replacement, unless the owners wanting the changes will assume all financial burdens for the changes. The owners will provide a signed letter regarding the agreement.

k. Upper decks are prohibited on any floating facility.

l. The following items are prohibited on any floating facility: diving boards, slides, grills, playground equipment, indoor furniture, but not limited to couches, sinks, cabinets, appliances, satellite dishes, permanent stereo systems and televisions. Decorative lights, hot tubs and ceiling fans are also prohibited.

6-02. Existing Docks Under Permit. Existing docks can be sold and remain at their presently approved location or they may be relocated to any of the approved mooring sites on the lake, upon approval by the Operations Project Manager. Requests to expand the size of existing docks will be subject to prior approval by the Operations Project Manager. Each request to relocate an existing dock to a new area will be reviewed on a case-by-case basis considering the current shoreline allocation, physical characteristics of the area, and available facilities nearby.

6-03. Grandfather Status.

a. Facilities and activities that have once been authorized by a Shoreline Use Permit issued by Beaver Lake Office, but now would not be authorized, are honored under the grandfather clause. This status permits certain activities and facilities to continue or remain in areas where, because of changes in shoreline allocations and/or regulations, private use would not presently be allowed.

b. Docks permitted by a Shoreline Use Permit that are damaged or destroyed due to natural causes may be replaced with a similar facility of the same dimension.

c. Additional guidance on the management of grandfathered docks can be referenced in SWLR 1130 -2-48, Appendix H.

6-04. Permits, Where Required. Revocable Shoreline Use Permits will be granted for private floating facilities, mooring buoys, ski jumps, and for vegetative modification where such activities conform to the Shoreline Management Plan and to land use allocations of the project master plan.

6-05. Permits, Authority to Issue. Operations Project Managers are authorized to approve construction plans and to issue Shoreline Use Permits. ENG Form 4264-R, Application for Shoreline Use Permit, with permit conditions attached will be used (Exhibit III, Appendix B and Appendix C). The Shoreline Use Permit/License must be issued prior to beginning construction. Construction may proceed upon receipt of written approval of the plans.

6-06. Permit Administration Charge. A charge will be made for Shoreline Use Permit/License to help defray expenses associated with issuance and administration of the permits. Fees paid for Shoreline Use Permit/License are non-refundable.

6-07. Permit Term. Shoreline Use Permit/Licenses are issued for a period of time not to exceed 5 years, but are subject to revocation by the District Engineer whenever it is determined that the public interest requires such revocation, the permittee fails to comply with the conditions of the permit, or the shoreline is needed for a higher public use. Permits for private floating structures and vegetative modification will be issued for 5 years.

6-08. Posting of Permit Number. Two permit tags, approximately 6 by 8 inches in size, bearing the permit number and expiration date will be furnished with each permit issued. These tags will be posted on the floating facility and/or the land area covered by the permit in accordance with instructions provided by the Operations Project Manager.

6-09. Design of Private Floating Facilities.

a. Floating Facilities.

(1) A site inspection for any floating facility must be performed before the submittal of plans, application, etc. Plans submitted with Shoreline Use Permit/License applications must conform to the minimum construction and maintenance requirements outlined in SWLR 1130-2-48, Minimum Construction and Maintenance Requirements for Private Floating Facilities, Appendix F. Two sets of plans and specifications must be submitted along with the Shoreline Use Permit/License application to Beaver Project Office, 2260 N. 2nd Street, Rogers, Arkansas 72756. Electrical certification as per Appendix F, must be provided before a Shoreline Use Permit/License can be issued or renewed. All plans must be approved by the Operations Project Manager or authorized representative. A family household may have a maximum of two slips in any dock.

(2) All new docks will be a minimum of four slips after 28 August 1998. This revision will require a minimum of two households for ownership. All new docks and additions to existing docks will be constructed using new materials. Docks will be anchored perpendicular to the shoreline. The Operations Project Manager must approve any deviation from this perpendicular alignment. All portions of the dock, including cables and anchors, will be located within the approved limited development area. All new docks and additions must be constructed of new materials.

b. Mooring Buoys. Mooring buoys are no longer authorized as of 28 August 1998. Existing mooring buoys may remain and must be maintained according to the conditions of the permit. "No Wake" buoys are not permitted for private use.

c. Duck Blinds. A permit is not required of those who hunt from the concealment of natural shoreline vegetation or portable blinds placed and removed on a daily basis. A permit will be required if hunting from other means than above. Permits will not be issued for duck blinds at locations that are unsafe or are in conflict with Federal, state, or local laws. Removable blinds may be required at the discretion of the Operations Project Manager.

6-10. Tramways. Tramways will no longer be authorized after 28 August 1998. Existing permitted tramways may remain and must meet all existing conditions of the permit.

6-11. Collection of Fees. Payment may be made by cash, credit card, check, or money order made payable to FAO, U.S. Army, SWL. Cash collections will be acknowledged by a receipt or prenumbered SF Form 1165. Master Card and Visa are accepted credit cards. Fees for shoreline use permits will be collected by employees authorized to collect for petty cash sales. The recreation fee cashiers or alternates will not handle fees for shoreline use permits.

a. Renewals. When a Shoreline Use Permit/License is renewed in the name of the present owner, the applicant will receive the following:

(1) Year of expiration stickers (two copies).

(2) Signed copy of permit, ENG 4264-R, including a statement of total fee paid signed by the person authorized to collect for petty cash sales. The administration and inspection fee will be collected for renewed permits.

b. ENG 4264-R. The permit will be prepared in duplicate. The original copy will be retained on file at the Beaver Lake Office and a copy given to the permittee.

6-12. Termination of Permit. Authority to revoke Shoreline Use Permits rests with the District Engineer. The District Engineer may revoke permits when it is determined that the public interest requires such revocation, the permittee fails to comply with the conditions of the permit, or the shoreline is needed for a higher public use.

6-13. Request for Waiver of Provisions.

a. This plan is subject to Federal laws and regulations requiring reasonable accommodations for people with qualifying disabilities. A request to waive any provision for the purpose of accommodating a person with a disability or health condition should be forwarded in writing to:

Operations Project Manager, Beaver Lake Office
U.S. Army Corps of Engineers
2260 N. 2nd Street
Rogers, Arkansas 72756

b. The Operations Project Manager will review waiver requests on a case-by-case basis. The request should fully explain the disability or health condition, the individual and local situations, and the specifics of the waiver, accompanied by supporting documentation (letter, copies of handicapped parking placards, doctor's letters, maps, diagrams, etc.). An Ambulatory Assistance Vehicle (AAV) permit may be issued for individuals qualifying and providing required documentation.

c. The waiver shall automatically terminate in 5 years, or upon the requestor's permanent departure from the area, whichever comes first. Any permanent modifications shall be removed or restored by the requestor, after the waiver terminates.

6-14. Homemade Vessels/Unauthorized Structures. Any temporary boat mooring along the shoreline must be a corporate manufactured boat, or homemade vessel with a valid state registration and approved by the Operations Project Manager. A homemade vessel with flotation of Styrofoam, encapsulated foam, or barrels is unauthorized. All unauthorized vessels will be subject to impoundment and the owner may be subject to a fine. Additional boats may not be tied or moored to these vessels. Vessels may not be anchored to the shoreline by anchor cables, nor have walkways attached to the vessel.

6-15. Appeals Process. Appeals may be made in accordance with SWLR 1130-2-48, Shoreline Management Plans, Reviews and Revisions, Appendix E.

SECTION VII

CONSTRUCTION AND MAINTENANCE REQUIREMENTS FOR PRIVATE FLOATING FACILITIES

7-01. Minimum Design Standards. Private floating facilities will meet or exceed the minimum design and maintenance standards as listed in SWLR 1130-2-48, Minimum Construction and Maintenance Requirements for Private Floating Facilities, Appendix F. A site inspection for any floating facility must be performed prior to the submittal of plans, application, etc. Plans and specifications for the dock must accompany the application for a private floating facility. The plans and specifications must be approved by the Operations Project Manager prior to beginning any construction.

7-02. Electrical Service.

a. A power line easement must be obtained if electrical service crosses public land and/or water or terminates on public land.

b. Electric service installation and maintenance will be in accordance with the requirements described in SWLR 1130-2-48, Certificate of Electrical Inspection, Appendix D, and Appendix F. All electrical work shall meet the requirements of this directive as well as all local and state codes and the National Electric Code. Particular attention should be given to Article 555 of the National Electric Code. A copy of the electrical certification form must be provided to the Operations Project Manager at Beaver Lake before a shoreline use permit/license will be issued or renewed.

c. Electrical Lighting and Equipment (including all low voltage systems). Electrical equipment, including service for a private dock or shoreline pole lights, may be permitted upon approval of the Operations Project Manager, provided the installation of such equipment does not pose a safety hazard or conflict with other recreational use and it meets the minimum design standards as written in SWLR 1130-48. Electrical facilities on public property shall be approved only to provide shoreline lighting for security or power for a permitted dock. Applicants must be adjacent property owners who hold a valid permit for a private moorage facility. The Operations Project Manager will approve the location and plans of all electrical poles or lights on public land. Electrical lines, fixtures or lights cannot be affixed to trees on public property.

7-03. Inspections. Initial and subsequent inspections (including five-year renewal inspections) will be performed to assure that the facility was constructed and is being maintained in accordance with approved plans and conditions of the permit.

7-04. Flotation. Flotation for private and community boat docks at Beaver Lake must conform to specifications listed in 36 CFR 327.30 and SWLR 1130-2-48, Appendix F. No beaded foam flotation (expanded polystyrene) is allowed at Beaver Lake unless it is encased

in an approved protective covering. The substructure of any private dock must be at least 8 inches above the water surface.

SECTION VIII

OTHER SHORELINE USES BY INDIVIDUALS

8-01. Private Exclusive Use of the Shoreline. Adjacent landowners must obtain a Shoreline Use Permit/License from the Operations Project Manager prior to modification of landform or vegetative characteristics of the area. Permits will not be granted to individuals for use of lands allocated as public recreation areas including their buffers or on lands allocated as prohibited areas.

8-02. Vegetation Modification.

a. Mowing. Mowing or underbrushing may be permitted for fire protection purposes only. The limits of mowing will be dependent upon the proximity of habitable structures to the government boundary and other private boundaries. The maximum allowed limits of mowing will be a radius of 100 feet from the foundation of a habitable structure. Habitable structures are classified as houses, cottages, trailers, or mobile homes. In cases where trailers or mobile homes are used, they must be connected to available utilities (water, electric, telephone, sewer or septic system). Permanency must be indicated by decks, underpinning, removal of wheels, license plates, taillights, and related features. Decks, porches or outbuildings are not considered a part of the habitable structure. The actual limits of vegetation modification will be determined by the Operations Project Manager or authorized representative and clearly defined on the drawing attached to ENG Form 4264-R. Long-term adverse impacts to the soils, water quality, aquatic resources, archaeological resources, wildlife, aesthetics, and recreational resources would be realized by mowing to the water's edge. Adjacent landowners are encouraged to voluntarily maintain a 50-foot wide green strip along the shoreline. The permittee will delineate the government property line in a clear, but unobtrusive manner approved by the Operations Project Manager. Areas covered by the permit will be inspected periodically to assure that the mowing is within prescribed limits. Weed eating vegetation (not to exceed 3 feet) around the anchor pin of a boat dock is permitted.

b. Public Access Mowing. There are other reaches of the shoreline that are popular areas for public use or have potential public use. Many of these areas have been kept mowed by the adjacent landowners, and it may be in the best interest of the general public to allow this practice to continue at those locations where substantial public use is made possible in part by the clearing and mowing. The Operations Project Manager or authorized representative will consider each case on an individual basis. The Shoreline Use Permit issued for this purpose will contain the added condition that, "all lands covered by this permit will remain open at all times for use by the general public." The permittee will delineate the government property line in a clear, but unobtrusive manner approved by the Operations Project Manager.

c. Use of Herbicides. When vegetation modification on project lands is accomplished by chemical means, the application of herbicide will be in accordance with appropriate federal, state, and local laws, rules and regulations. A detailed plan of the proposed work must be submitted to and approved by the Operations Project Manager prior to the work being accomplished.

d. Limbing and Trimming. Trimming, cutting, limbing or topping of trees is prohibited.

e. Removal of Natural Vegetation. Burning of limbs, driftwood, trash or debris is not allowed on public lands. This is in accordance with fire codes from the Arkansas Department of Environmental Quality. Removal of leaf litter is prohibited except where authorized under a Shoreline Use Permit. Only dead or diseased trees previously inspected and marked by the Operations Project Manager or authorized representative may be cut. Felled trees shall remain on project lands for wildlife habitat, unless it is within the 100 feet radius of a mowing permit area. Removal of vegetation, dead or alive above the 1120' m.s.l. is prohibited for dock moorage unless the dock is endangered by falling dead limbs or the tree. Approval must be granted prior to the removal of the vegetation by the Operations Project Manager or authorized representative. Removal of standing timber below the 1120' m.s.l. will be considered on a case by case basis to facilitate the mooring of a dock.

8-03. Access Paths. Shoreline Use Permits may be issued to authorize pedestrian access paths from adjoining private property to the shoreline. These paths must follow meandering routes to reduce erosion and to minimize the need for removal of grasses, shrubs and small trees (less than 2 inches in diameter measured at chest height). Paths should be constructed to blend into their natural surroundings. Pedestrian access paths to the shoreline will not exceed 6 feet in width, measured at their widest point(s). The permit for a path does not convey the right to construct any structure (steps, bridges, walkways, landscape lighting, etc.) in connection with the path. If structures such as bridges or steps are proposed, a real estate outgrant will be required and must be obtained before any work is started. When overuse of a path is creating an erosion problem, the use of the path must cease until corrective action is taken and the use of an alternative path is approved.

8-04. Wildlife Enhancement. Requests for this type of shoreline improvement must be accompanied either by a detailed or well-described landscape plan. The plan will provide for better management of the area for the enhancement of wildlife propagation, conservation of the aesthetics and the prevention of erosion.

8-05. Conditions. Construction of paths and other shoreline improvements will be subject to the following conditions:

a. Only hand-operated tools and non-commercial riding lawn mowers may be used. The use of heavy equipment such as tractors and bulldozers is not permitted.

b. Trees larger than 2 inches in diameter (measured at chest height), may not be removed. Flowering trees and shrubs, including but not limited to dogwood, red bud, serviceberry, deciduous holly, hawthorn species, and buckberry bush may not be cut regardless of their size. In certain cases, the Operations Project Manager may restrict the cutting of trees less than 2 inches in diameter if it is determined that it would create an erosion problem or similar adverse impact.

c. Trimming of trees is prohibited, unless permitted by and associated with maintenance of an authorized access path.

8-06. Erosion Control. All erosion control measures must be in accordance U.S. Army Corps of Engineers policy and the guidance as contained in SWLR 1130-2-48, Shoreline Erosion Control, Appendix J.

8-07. Boundary Line and Encroachments.

a. The boundary line of Beaver Lake has been established and marked by the U.S. Army Corps of Engineers in accordance with the standard survey techniques using licensed surveyors. In areas where the distances between corners or witness trees is such that monuments or pins are not visible, white metal posts and monuments may have been placed by the U.S. Army Corps of Engineers to witness the boundary line. The painting over of witness trees on public property, or the removal of witness posts or monuments is a violation of Title 36, Code of Federal Regulations, Chapter III, Part 327. Violations of this nature may result in the issuance of a citation requiring appearance before a U. S. Magistrate.

b. Every five years, subject to budget restrictions, the U.S. Army Corps of Engineers repaints witness trees and cuts back undergrowth along the boundary line. However, due to the number of monuments and corner pins along the boundary line and the possibility they may have been disturbed or removed, the U.S. Army Corps of Engineers cannot guarantee the accuracy of these monuments. If a private need arises for the exact location of the common government/private property line, the adjacent property owner (at their own expense) should use licensed surveyors.

c. Adjoining property owners are encouraged to build permanent structures a sufficient distance back from the boundary line to allow for maintenance of the structure and reduce the possibility of an encroachment by subsequent addition of decks, porches, steps, patios, extension of landscaping or backyard appearance, etc. Adjoining property owners should check deed restrictions and county ordinances for any building setback requirements.

d. Other than pedestrian access or general public recreation activities, any activity on public property not authorized by a Permit/Outgrant may be considered an encroachment, trespass, or degradation of public property and is a violation of the Rules and Regulations contained in 36 CFR 327. Examples of such violations include, but are not limited to, mowing, limbing, gardens, landscaping, etc.

8-08. Prohibited Facilities and Activities. The following facilities and activities are prohibited:

a. Any type of fixed pier or platform, either on the land or extending into the water from the shoreline.

b. Any type of piling or post driven into the lake bottom for the purpose of mooring or tying of boats.

c. Any type of sewage or outfall structure.

d. Any type of channel, ditch, canal, or excavation, unless the excavation is in conjunction with an approved erosion control structure or other approved facility.

e. Gardens and any type of lawn/landscape planting.

f. Burning of any materials by private individuals, groups or organizations on any government-owned lands managed by the U.S. Army Corps of Engineers.

g. Any type of land form modification, construction, or other activity that changes the original or present conditions of the land. This includes, but is not limited to beach construction, channel construction, bank terracing, cuts and fills, or road and trail construction. Erosion control structures under a regulatory permit and those activities covered under a real estate instrument are exempt.

h. Accumulation of garbage, trash, refuse, litter, or other similar personal items or materials.

i. Storage of boats, travel trailers, wood piles, or placement of other private items on public land are strictly prohibited. These items are subject to removal and impoundment by U.S. Army Corps of Engineers personnel.

8-09. Fee. An administration fee of $10 will be made for shoreline use permits/licenses issued for vegetation modification (meandering footpath and fire protection only). The permits will be issued for a term of five years. No annual inspection fees will be charged for these permits. Fees collected for vegetation modification permits are non-refundable.

SECTION IX

PERMITS

9-01. Shoreline Use Permits/License. Shoreline Use Permit/Licenses are issued for private floating recreation facilities, access paths, mowing, and landscaping activities which do not in any way involve a disruption to or a change in land form. All of these permits will be nontransferable. Upon sale or other transfer of the permitted facility or death of the permittee, the permit is null and void. A new permit may be issued to the new owner after it has been determined that the conditions of the permit are met, an application has been submitted, and administrative charges and inspection fees have been paid. Applications for shoreline use permit/licenses will not be honored until the applicant's encroachments have been resolved.

9-02. Department of the Army Permits. Activities such as dredging, construction of fixed structures, including fill and combination fixed-floating structures, and the discharge of dredged or fill material in navigation waters will be permitted under conditions specified in permits issued under authority of Section 10, River and Harbor Act of 3 March 1899 (33 USC 403) and Section 404 of the Federal Water Pollution Control Act (33 USC 1344). Shoreline use permits will not be issued under these circumstances.

9-03. Real Estate Instruments. Requests involving commercial development, rights-of-way, changes in the landform (grading, cuts, or fills), or establishment of land-based support facilities for private floating facilities will continue to be evaluated by Real Estate Branch Approval will be granted by a lease, license, or other legal grant issued by the Chief, Real Estate Branch. Shoreline use permits are not required for facilities or activities covered by a real estate instrument.

SECTION X

OTHER SHORELINE USES

10-01. Private Exclusive Use of the Shoreline. Adjacent landowners must obtain a Shoreline Use Permit/License from the Operations Project Manager prior to modification of landform or vegetative characteristics of the area.

10-02. Project Lands. Sanitary facilities within the developed parks consist of restrooms with masonry vault holding tanks, septic tanks and disposal fields, or sewage treatment plants. Sanitary dump stations with holding tanks are provided for trailers in parks. Marine dump stations with holding tanks are provided at several of the commercial docks on the lake. Sewage disposal methods and facility designs are in accordance with applicable State Department of Health and EPA requirements. None of the effluent from the holding tanks is disposed of on project land. There are no sanitary landfills on the Beaver project. No Shoreline Use Permits or Real Estate Instruments will be issued for septic tanks or septic field lines on government property or within flowage easement lands.

10-03. Adjoining Lands. Septic tanks and other sanitary facilities constructed on adjoining private land must meet the requirements of the Arkansas State Department of Health. The spilling, pumping, or other discharge of contaminants, pollutants, or other wastes onto public land or water areas is a violation of 36 CFR 327.30, Part 327.9 (c). Any evidence that these facilities are not functioning properly will be reported to the Arkansas State Department of Health for investigation and corrective action.

SECTION XI

CONCLUSIONS AND RECOMMENDATION

11-01. Matters Not Addressed. Requests for activities not specifically addressed in the Shoreline Management Plan will be sent to the Chief, Operations Division, for review, coordination, approval, or referral to higher headquarters.

11-02. Conclusions. The Shoreline Management Plan presented in this appendix is considered to provide the greatest recreational benefits to all the public and to balance bona-fide recreational needs with the physical limitations and aesthetic qualities of the lake and surrounding lands. The plan has taken into consideration both the present and anticipated recreational needs of the area.

11-03. Review. The Shoreline Management Plan presented in this appendix is a flexible and working document. The Operations Project Manager will continually monitor the needs of the recreational users of the lake and recommend revisions that will minimize conflicts between various interests. Additional public meetings will be held in advance of recommending any major revision to this plan. The plan will be reviewed at least once every five years and revised as necessary.

11-04. Recommendation. Approval of this plan is recommended.