

WHITE RIVER WATERSHED
LITTLE RED RIVER
GREERS FERRY DAM AND LAKE

UPDATED MASTER PLAN FOR
DEVELOPMENT AND MANAGEMENT
GREERS FERRY LAKE
APPENDIX A
SHORELINE MANAGEMENT PLAN

SECTION I

INTRODUCTION

1-01. Project Authorization. The Greers Ferry Dam and Lake project was authorized by the Flood Control Act of 28 June 1938 (Public Law 761, 75th Congress, 3rd Session), as modified by the Flood Control Act approved 18 August 1941 (Public Law 228, 77th Congress, 1st Session), to include the authorization of the project for flood control and generation of hydro-electric power.

1-02. Purpose. The Shoreline Management Plan for Greers Ferry 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 Greers Ferry Lake. This plan describes the types of private uses and activities that may be permitted on public lands. The plan also considers means of restoration of the shoreline where degradation has occurred because of private exclusive use or misuse. The shoreline consists of all Government lands and flowage easement at Greers Ferry Lake.

1-03. Authority. This Appendix was prepared in accordance with the requirements of 36 CFR 327.30 dated 27 July 1990, ER 1130-2-406 dated 31 October 1990, and SWLOM 1130-2-33 dated 15 September 1992, change 1 dated 27 April 1998, change 2, dated 23 July 1998, and change 3, dated 10 May 1999.

1-04. References.

- a. 36 CFR part 327, dated 5 May 2000, Rules and Regulations Governing Public Use of Corps of Engineers Water Resources Development Projects
- b. 36 CFR 327.30, dated 1 July 2001, Shoreline Management at Water Resources Development Projects Administered by the Chief of Engineers.
- c. ER 1130-2-406, dated 31 October 1990, Shoreline Management at Civil Works Projects.
- d. SWLOM 1130-2-33, dated 15 September 1992, revised 10 May 1999, Project Operations - Shoreline Management at Civil Works Projects.
- e. SWLOM 1130-2-35, dated 8 September 1993, Project Operations - Shoreline Management Plan Review and Revision.
- f. SWLOM 1130-2-47, dated 22 November 2000, Timber and Personal Property Trespass Administration and Resolution.
- g. Greers Ferry Lake Shoreline Management Plan Environmental Impact Statement, dated May 2002.
- h. Recreational Carrying Capacity Study for Greers Ferry Lake, Arkansas, November 2001.

i. Save Greers Ferry Lake Inc, an Arkansas Not-for-Profit Corporation, and Arkansas Nature Alliance, and Arkansas Not-for-Profit Corporation versus United States Army Corps of Engineers; Colonel Benjamin Butler, District Engineer; and BRIG. GEN. Robert Crear, Division Commander, Southwestern Division, U.S. Army Corps of Engineers (Case number 1:02CV00064 WRW).

j. Final Environmental Impact Statement, Greers Ferry Lake Shoreline Management Plan prepared by Tetra Tech, Inc., April 2002.

1-05. Private Recreation Facilities. Private recreation facilities as discussed in this plan include boat moorage facilities (docks), ski jumps, and other private floating recreation facilities. Private floating facilities used for boat mooring will not exceed the minimum size required to moor the owner's boat or boats plus a minimum area for storage of oars, life preservers, and other items essential to the operation of watercraft.

Private floating facilities will not be used for human habitation. Private floating facilities will not be enclosed to assure that items conducive to human habitation are not installed. Sundecks, swim docks, water trampolines or other stationary floating water toys, slides, and/or diving boards are prohibited.

1-06. 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 for fire protection, footpath construction and maintenance, planting, and erosion control.

1-07. 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. The Corps' 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 the 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, 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.

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

1-09. Future Legislation, Regulations and Policies. This plan will incorporate any future legislation, regulations, policies, etc., pertinent to Corps of Engineers Civil Works projects and/or Greers Ferry Lake. Changes of this type will be considered an administrative change and will be incorporated without additional review.

SECTION II

OBJECTIVES OF THE PLAN

2-01. General. The objectives of all management actions will be to achieve a balance between permitted private uses and resource protection for general public use. 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/or private exclusive uses 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 and assure compatibility between the recreating public, 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 public launching ramps. Public launching ramps are provided in Corps parks and at launching complexes developed by city, county and state governments.

c. Activities associated with any vegetation modification on public lands require prior approval and a shoreline use permit from the Operations Manager at Greers Ferry Lake.

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

2-03. Limited Motels/Resorts/Campgrounds.

a. Floating facilities used in connection with limited motel/resort/campground leases are subject to the shoreline allocations presented in this plan. Due to the economic impact on existing motel/resorts that already have docks for bona fide guests, these leases 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 an area currently designated for limited development. Expansion of existing docks serving these limited motel/resort leases in areas not approved for limited development will be considered on a case-by-case basis.

b. Shoreline Use Permits (ENG 4264-R) are not issued for these facilities. These docks are granted leases by the Real Estate Division in accordance with SWLOM 405-1-5, dated 9 January 1993, Outgrants Limited Motel/Resort/Campground Leases. The maximum number of slips they may provide is controlled by regulations concerning those leases.

c. Limited Motel/Resort/Campground docks may be converted to private floating facilities covered by a shoreline use permit provided they are located in Limited Development Areas and they meet all other requirements of the Shoreline Management Plan.

2-04. Private Exclusive Use.

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 for the general public. 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 their use of the permit area must be maintained and preserved.

2-05. Background.

The District Engineer approved the initial Lakeshore Management Plan for Greers Ferry Lake on 7 October 1974. This plan was subsequently reviewed, updated with public involvement, and approved by the Division Engineer, Southwestern, in February 1976. This plan was reviewed, updated with additional public involvement and approved by the Division Engineer, Southwestern, in October 1982. The review resulted in changes to Limited Development Areas with the addition of several areas and the removal of others. The maximum allowable mowing limit was also changed from a maximum of 200 feet from a habitable structure to a maximum of 50 feet from a habitable structure.

The plan was reviewed and updated in 1994. After a public review period, 13 requests for boat dock rezoning were considered and presented at a public workshop. Three of those 13 were approved. The Southwestern Division Commander approved this supplement on 21 November 1994.

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 made available for public review and comment in May 1991. The provisions of the finalized policy, SWLOM 1130-2-33, and the shoreline allocations contained in the October 1982 approved lakeshore management plan have been included in this Shoreline Management Plan for Greers Ferry Lake. Additional public workshops were not conducted as part of the conversion process for the Greers Ferry plan for the following reasons:

a. The official shoreline allocation maps on display at the Project Office and reproduced as an exhibit in the currently approved shoreline management plan were developed with public involvement. Changes to existing shoreline allocations were not considered during the conversion process; therefore, additional public involvement was not necessary.

b. The conditions of the shoreline use permit, including the flotation and electrical certification requirements, were subject to public review and comment on a national scope when 36 CFR 327.30 was being revised in 1988. Its publication as a final rule on 27 July 1990 mandated the inclusion and use of these conditions and requirements, as revised, in the shoreline management plans prepared in the District.

c. The Little Rock District's shoreline management policy, SWLOM-1130-2-33, was approved 15 September 1992 following a series of public workshops and consideration of the written comments received following the public involvement opportunities.

2-07. Current Review and Update. During the update of this plan, a public workshop was held on 26 January 1999, announcing the plan update and the process that would be followed. Applications for boat dock rezoning were accepted until 1 April 1999. This information was provided via news releases, paid legal notices, and posting on the Internet. There were 129 rezoning requests. 93 of those requests were identified as meeting the criteria used by the Little Rock District to determine acceptability for reallocation of the shoreline.

The plan forwarded to the Division Engineer included the establishment of 93 new Limited Development Areas totaling approximately 10,000 feet of shoreline. This would bring the total percentage of shoreline allocated as LDA to approximately 8%. The plan also included a provision to extend the maximum allowable mowing area to 100 feet from a habitable structure and establish and maintain a 50-foot vegetated buffer around the lake. This plan was approved by the Division Engineer, Southwestern, on March 14, 2000. At a public workshop held in Heber Springs on March 16, 2000 the District Engineer presented the approved SMP to the public

Subsequently, an organization known as Save Greers Ferry Lake, Inc., filed suit in federal court claiming that the Corps had failed to comply with NEPA. In May 2000, the U.S. District Judge issued a temporary injunction that ruled the Corp's environmental assessment did not support an overall finding of no significant impact. Following the injunction, the Corps withdrew the 2000 SMP, reverted to the 1994 SMP, and publicly announced that it was going to conduct a full environmental impact statement to continue the process.

Five Shoreline Management Plan Alternatives were identified during the Scoping Process for the EIS. One of the five would result in significant adverse impacts to the resource were it to be implemented. The other four could be implemented without incurring significant impacts. All of the alternatives have some degree of impact, both beneficial and adverse. The draft EIS and subsequent comment period resulted in the development of different combinations of the original five alternatives.

The following plan is a combination of alternatives developed during the EIS process and assimilation of required administrative changes to Shoreline Management Plans in the Little Rock District. This plan designates 40 new Limited Development Areas. These 40 areas scored 90 points or better on the evaluation criteria standard. The revised plan allows for a maximum of 100 feet to be authorized on an underbrushing permit, establishes a 100-foot vegetated buffer from the conservation pool elevation landward, and contains a provision that reallocation requests from the public would no longer be accepted.

The revision removes the restricted operation areas for houseboats on Greers Ferry Lake. These vessels are still required to be moored at commercial marinas and are to be operated in accordance with Arkansas State Law and

Federal boating regulations.

Grandfathered docks are allowed to be modified to accommodate the current permittees boat or boats, however, the enlargement of slips may not exceed a maximum width of 12 feet or length of 28 feet per slip.

Three areas of High Scenic Integrity have been identified to conserve the visual aesthetics of the lake.

2-08. Five-Year Review.

a. Shoreline management plans will be reviewed at least once every 5 years. The plan may be supplemented more frequently should regulations, project operations, project conditions, or management objectives 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 considered a minor revision. Revisions of this nature will require public involvement and approval by the Division Commander.

b. Rezoning requests will not be accepted or considered in future reviews.

SECTION III

DESCRIPTION OF THE SHORELINE

3-01. General. Greers Ferry Lake is located in the foothills of the Ozark Mountains in north central Arkansas. The area is generally wooded and rugged with interesting geological formations overlooking the winding Little Red River. The lake has an irregular shape with numerous arms and coves. The steep bluff formations on both sides of the central portion of the lake form a straight channel or narrows that in effect form two bodies of water. The prominent scenic topographic features of the area include oddly shaped buttes and ledge outcrops that rise above the river valley. At some of the coves in the upper end of the lake, the terrain is less steep and waters are subject to rapid dewatering with only a moderately lower pool stage.

3-02. Land Acquisition Policy. The real property fee acquisition line for Greers Ferry Lake, as a general rule, was blocked out along regular land subdivision or property ownership lines to include all lands below elevation 476 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 491 m.s.l. In some areas, however, the guide contour for easement acquisition varies between 491 and 498 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. Examples include: outbuildings, fences, patios, etc.

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, El 461.26, the shoreline of the lake has a total length of 276 miles. As the pool rises to the top of the flood control pool, El 487, the shoreline length increases to 343 miles. The government boundary line is delineated by surveyed monuments placed at ground level. The survey markers are 3 1/2-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. 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 Greers Ferry Lake Office.

3-04. Present Land Use. The Greers Ferry Lake Project contains 45,548 acres of land and water. There are 40,914 acres owned in fee and 4,634 acres are managed by flowage easement. The acreage managed by flowage easement is located within the flood control pool. Approximately 40,500 acres of the total project acreage are within the flood control pool. A portion of this acreage is dually allocated as Project Operations/Recreation-Intensive Use. There are 2,864 acres allocated exclusively for Recreation-Intensive Use. The Arkansas Game and Fish Commission has a license for the management of fish and wildlife resources on 37,525 acres of land and water at Greers Ferry. This includes 66 acres exclusively for management of fish and wildlife above the flood control pool elevation (Mill Creek Nursery Pond).

3-05. Private Development. The area around Greers Ferry Lake is a popular vacation and retirement area. This is evident by the fact that there are over 200 subdivisions adjoining Government ownership. Development of the lots in these subdivisions is proceeding rapidly.

3-06. Existing Access. The waters of Greers Ferry Lake are easily accessible to recreational boaters and the adjoining property owners alike. In addition to the 59 launching lanes located in the parks, 78 severed roads around the lake are also used by residents and sportsmen for boat launching. Twenty-six rights-of-way have been 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 subdivision developments.

3-07. Prior Commitment. Private boat docks have been permitted on Greers Ferry Lake since impoundment began in January, 1961. The number of private floating facilities on the lake has continued to increase since that time.

3-08. 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.

3-09. Indian Lands. There are no Indian lands within the boundaries of the Greers Ferry Lake Project.

3-10. Joint Jurisdiction. No other Federal agencies have jurisdiction over administration of the shoreline covered by this plan.

SECTION IV

WATER QUALITY

4-01. General. 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 three commercial water customers that use Greers Ferry Lake for public water supply. They are Clinton Water District, Community Water Systems, and the City of Heber Springs. Community Water has a permit to construct an additional raw water intake near Cove Creek. The shoreline allocation around these areas is designated as Prohibited and is shown in blue on the allocation maps.

4-03. Importance. Greers Ferry 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. All permanently installed boat toilets must be U.S. Coast Guard certified Marine Sanitation Devices. The discharge of any type of effluent in the waters of Little Rock District Lakes is prohibited.

SECTION V

SHORELINE ALLOCATION

5-01. General. Increased development of adjoining private land increases the demand for private 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 use to maximize use of the shoreline by the most people.

5-02. Allocations. The current plan represents modifications of the original 1974 Lakeshore Management Plan. The shoreline of Greers Ferry Lake is currently allocated into four major categories in accordance with 36 CFR 327.30, Shoreline Management on Civil Works Projects. Shoreline 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" conspicuously displayed or readily available for viewing at the Project Office in Heber Springs, Arkansas. No changes will be made to the Official Map except through the formal updating process. The entire shoreline is allocated within one of the following classifications.

a. Limited Development Areas. These areas are shown in red on the shoreline allocation maps. Private floating facilities, vegetation 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, physical 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 conservation pool. Density will be determined by measuring linear feet of shoreline in the zone and comparing it to the width of the facilities in the water plus associated moorage arrangements which restrict the full and unobstructed use of that portion of the shoreline.

(2) Docks will be spaced a minimum of 100 feet apart. Compatibility with existing docks and adequacy of access roads and parking facilities will be considered before approving additional private floating facilities. Placement should not be made that would produce a cross-over situation; meaning that an applicant's facilities (including electric service and anchor cables) should not go beyond existing neighboring facilities. Cross-over situations cause community discord and therefore, should be avoided. Only under the most unusual situations may cross-overs be approved by the Operations Manager.

(3) Location on the lake, fluctuation of water level, and other criteria will be the determining factors in approval or disapproval of a request in these areas. Designation as a limited development area does not guarantee the approval of dock placement, nor that adequate water depth is available at all times.

(4) All United States citizens have an equal opportunity to moor a dock in a limited development area provided the area has 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 land adjacent to the facility, then a recorded lease or easement for the access must be provided that allows all current and any future owners of the dock the right of ingress and egress, for at least the duration in which the facility is present. The holder of the permit must provide the Operations Manager proof of legal access, a plat of the adjoining land that describes the subdivision and access area, as well as a proposal 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. Legal access to the shoreline

is considered to be within 200 feet of the location of the facility. If flowage easement is involved, the owners of the facility must own the flowage easement land or have legal access for all co-owners. All dock owners who are not permanent residents of the area must designate a local party who will be responsible for surveillance over their dock on a 24-hour basis.

b. Public Recreation Areas. Public recreation areas and adjoining buffer areas are shown in green on the shoreline allocation maps. No shoreline use permits will be issued in Public Recreation Areas or adjoining buffer areas. With a Real Estate instrument, commercial boat docks and concessions are permitted in public recreation and buffer areas.

c. Protected Shoreline Areas. The shoreline allocation maps do not designate these areas with a color code. Shoreline use permits for private floating facilities will not be issued 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 for activities such as fire protection, footpath construction and erosion control may be permitted in these areas but are at the discretion of the Operations Manager. The Operations 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. Several docks that existed prior to the development of the Shoreline Management Plan are located within these areas and have been grandfathered.

d. Prohibited Access Areas. Prohibited access areas are shown in blue on the shoreline allocation maps. No shoreline use permits will be issued in prohibited access areas. These areas typically include hazardous zones near dams, spillways, hydroelectric power stations, or water intake structures. Public access is not allowed for health, safety, or security reasons.

5-03. Shoreline Allocation Maps. Maps showing the shoreline allocations are included as part of this Appendix. A master map of the shoreline is on display at the Greers Ferry Lake Project Office 3 miles north of Heber Springs, Arkansas, on state highway 25.

5-04. Tramways. Placement of tramways will be subject to the same shoreline allocations as private floating facilities.

5-05. Mooring Buoys. Mooring buoys are not allowed at Greers Ferry Lake except at commercial marinas.

5-06. Vessels to be Moored at Commercial Marinas. Houseboats, vessels 11 feet wide (or more) and/or 28 feet long or longer, and/or any vessel with a permanently mounted marine sanitation device, may only be moored at commercial marinas. A shoreline use permit will not be authorized for the mooring of these vessels.

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 family household may have a maximum of two slips in any dock and may not own an interest in more than one facility. Valid state boat registration will be necessary to verify slip needs. A family household is defined as individuals living at the same address. A family household may have only one of following items:

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

(3) A Real Estate instrument for a tramway.

b. The Operations Manager will approve the size, configuration, and anchoring plan for docks. The maximum size of private floating facilities 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 may not extend out from the shore more than one-third of the cove width at seasonal conservation pool level. Walkways shall not exceed 40 feet in length.

d. Private floating facilities will not exceed the minimum size required to moor the owner's boat(s) plus a small storage locker for items essential to watercraft operation, i.e., pfd's, water ski's, inner tubes, etc. The maximum allowable size of any slip will be 12-feet wide by 28-feet long. As a general rule, slip widths in excess of 10 feet will require justification to the Operations Manager for approval. Walkways or dock fingers will not exceed 72" in width. Floating facilities will not be used for human habitation. Docks must be constructed with open sides. The mooring of additional vessels on the outside of the dock (side-ties) will be counted against the slip total for the dock. Personal Water Craft (PWC's) may be moored between the dock structure and the shoreline without counting against the slip total.

e. Current valid state boat registrations will be required with the permit application to support boat ownership and the need for mooring space. This requirement is necessary to preclude commercial activity on the floating facility.

f. The permit for a community dock will be issued to the person designated as the authorized representative for the slip owners in the dock. Valid state boat registration will be used to verify slip ownership, the size, and the number of slips needed.

g. 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, construct breakwaters, or install buoys to restrict the speed of passing boats. Parking and/or vehicular access is prohibited on government property.

h. Requests to expand a community dock will be subject to prior approval by the other owners with an interest in the dock and the Greers Ferry Lake Operations Manager.

i. Upper decks, slides, diving boards, water trampolines, etc., are prohibited on new floating facilities.

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 Manager. Requests to expand the size of existing docks will be subject to prior approval of the Operations 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 commercial facilities nearby.

6-03. Facilities Existing Under Special Condition(Grandfathered).

a. The plan will consider existing permitted facilities and prior written commitments. Existing approved facilities and/or activities outside of limited development areas that would not now be authorized, will be grandfathered. Green permit tags or an "X" preceding the permit number on regular permits will be used to designate facilities and activities being allowed under special conditions and to set them apart from other facilities and/or activities. These dock permits are not transferable. Upon change in ownership a new permit may be issued.

b. Deviations or changes to the original dock structure may be considered and are subject to the same conditions of all other permitted docks with the following exceptions:

(1) The number of slips and the number of boats will not increase from the numbers originally permitted.

(2) Slips may be enlarged to accommodate the current permittees boat or boats, however, the enlargement cannot exceed a maximum width of 12 feet or length of 28 feet per slip. Slips may not be enlarged for the sole purpose of removing a boat from a commercial marina.

(3) No appurtenances or enclosures will be permitted including swim docks, diving boards, water slides, water trampolines or toys.

(4) Anytime structural changes of the dock are required, the dock plans must be brought up to current standards, certified by a professional engineer, and approved by the Operations Manager.

c. Special provisions also apply to the removal of grandfathered facilities or activities lawfully installed and under permit as of 29 December 1981 or 17 November 1986. Procedures regarding removal of these facilities as provided for in PL 97-140 and PL 99-662 are outlined in paragraph 8 of ER 1130-2-406.

d. Docks that have been permitted by a Shoreline Use Permit that are damaged or destroyed due to natural causes may be replaced in accordance with the above guidance.

6-04. Permits, Where Required. Revocable shoreline use permits may be granted for private floating facilities, ski jumps/courses, vegetative modification, and/or path construction where such activities conform to the shoreline management plan and/or land use allocations of the project Master Plan.

6-05. Permits, Authority to Issue. The Operations Manager is authorized to issue shoreline use permits. ENG Form 4264-R, Application for Shoreline Use Permits will be used. A Shoreline Use Permit must be issued prior to beginning any work on Public Property.

6-06. Permit, Administration Charge. A charge will be made for shoreline use permits to help defray expenses associated with issuance and administration of the permits. The administration charge of \$10 for each permit and an additional \$5 annual inspection fee for private floating facilities will be collected initially at the time of permit issuance rather than on a piecemeal annual basis. Charges currently in effect are subject to changes in future years. There will be no annual inspection fee for vegetative modification permits.

6-07. Permit Term. Shoreline use permits are issued for a term of 5 years but are subject to revocation by the District Engineer whenever he determines that the public interest requires such revocation or the permittee fails to comply with the conditions of the permit.

6-08. Posting of Permit Number. Printed display 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 Manager.

6-09. Design of Private Floating Facilities.

a. Private Floating Facilities. A site inspection for any new floating facility or proposed modification to an existing facility must be performed prior to the submittal of plans or an application for Shoreline Use. Two copies of the plans and specifications for the proposed facility and a site plan identifying any land based support facilities will be submitted to the Greers Ferry Lake Operations Manager for review and approval. All plans, both new construction and modifications to existing structures, shall be certified by a registered Professional Engineer. This certification will contain a statement to the fact that the submitted plans meet the Minimum Construction and Maintenance Requirements for Private Floating Facilities (SWLOM 1130-2-33). All submittals will be on 8½ inch by 11 inch paper or they will be returned. If applicable, certification by a licensed electrician that the electrical facilities on the dock meet the requirements as above and those of the National Electrical Code must be provided with the submittal before a Shoreline Use Permit can be issued or renewed.

b. New Docks. New docks will be constructed of approved plastics, galvanized metal, dull finished aluminum, or subdued painted metal with subdued metal roofs. Dock and roof colors will blend in with the natural surroundings

and must be approved by the Operations Manager.

c. **Mooring Buoys.** Mooring buoys are not authorized on Greers Ferry Lake. Mooring buoys existing under prior written commitment may remain and be maintained in accordance with the conditions of the permit. "No Wake" buoys are not permitted for private use.

6-10. **Tramways.** The Operations Manager will forward all requests for tramways with recommendations concerning approval through the Chief, Operations Division, and Chief, Engineering Division, to the Chief, Real Estate Division. Tramways will be used to transport only boats and related equipment. Use of tramways to transport individuals is not permitted on Greers Ferry Lake.

6-11. **Collection of Fees.** Payment may be made by check (personal, certified, cashiers, etc.) or money order made payable to the Finance and Accounting Office, U.S. Army, Little Rock District. Payment may also be made in cash. Cash collections will be acknowledged by issuance of a receipt. Revenue from the issuance of shoreline use permits will be collected by employees authorized to collect for petty cash sales. Collections will be sent to the USACE Finance Center, Millington, TN. using ENG Form 3313, Remittance Register. Collections identified as "shoreline use permits" may be listed on the same schedules as Lake Maps, folder maps, etc.

6-12. **Refund of Fees.** Fees for shoreline use permits are nonrefundable.

6-13. **Permit Revocation.** Authority to revoke shoreline use permits rests with the District Engineer. Permits may be revoked when the action is in the public interest or when the permittee fails to comply with the terms of the permit, the Shoreline Management Plan, ER 1130-2-406, or violates 36 CFR, Title 36, part 327. Conditions must be carefully and completely documented with copies of certified correspondence to the permittee, dated photographs and detailed inspection reports when recommending permit revocation to the District Engineer. The permittee notification process is outlined in permit condition 26.

6-14. **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 limiting health condition should be forwarded in writing to: Operations Manager, Greers Ferry
P.O. Box 1088
Heber Springs, AR 72543

b. The Operations Manager will review waiver requests on a case-by-case basis. The request should fully explain the disability or limiting health condition, the individual and local situation, and the specifics of the waiver, accompanied by supporting documentation (letter, copies of handicapped parking placards, doctor's letters, maps, diagrams, etc.)

6-15. **Appeals Process.** Appeals may be made in accordance with SWLOM 1130-2-35, change 1.

SECTION VII

CONSTRUCTION AND MAINTENANCE REQUIREMENTS FOR PRIVATE FLOATING FACILITIES

7-01. **Minimum Design Standards.** Private floating facilities will meet or exceed the minimum construction and maintenance standards attached to SWLOM 1130-2-33 or subsequent guidance.

7-02. **Electrical Service.**

a. A power line license 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 SWLOM 1130-2-33. All electrical work shall meet the requirements of this directive as well as all local and state codes and the National Electrical Code. Particular attention should be given to Article 555 of the National Electrical Code. A copy of the electrical certification form must be provided to the Operations Manager at Greers Ferry Lake before a shoreline use permit will be issued or renewed.

c. All new electric lines will require a separate real estate instrument for a license for a power line. On existing docks that have electrical service, no license will be required until the dock permit is renewed, the dock is sold or transferred to another party, or repairs to or replacement of the electrical facilities is required, whichever comes first.

d. Electrical lighting and equipment - Electrical equipment, including the service for a private dock or shoreline lights, may be permitted upon the approval of the Operations Manager, provided the installation of such equipment does not pose a safety hazard or conflict with other recreational use. Electrical facilities on public property shall be approved only to provide shoreline lighting that will not detract from natural surroundings, 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 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 annual inspections will be performed to assure dock is maintained in accordance with approved plans and conditions of the permit.

7-04. Flotation. Flotation for private boat docks at Greers Ferry Lake must conform to specifications listed in 36 CFR 327.30 and SWLOM 1130-2-33. Upon renewal or sale, all docks will be brought into compliance with the flotation regulations. No beaded foam flotation (expanded polystyrene) is allowed at Greers Ferry Lake unless it is encased in an approved protective covering. Flotation billets may not be stacked.

7-05. Painting. Docks that require paint maintenance must be removed from project lands prior to beginning work. Docks may not be scraped or painted while on project lands.

SECTION VIII

OTHER SHORELINE USES BY INDIVIDUALS

8-01. Private Use of the Shoreline. All individuals desiring to perform vegetative modification must obtain a permit from the Operations Manager. Only limited activities (footpaths, vegetation modification for fire protection, etc.) are allowed. 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 access areas.

8-02. Vegetation Modification.

a. Underbrushing. Underbrushing may be associated with fire protection, path construction, or other authorized activities. The limits of underbrushing will be dependent upon the proximity of permanent habitable structures to the government boundary line. The maximum allowed limit of an underbrushing permit is 100 feet. This will be measured from the foundation of a habitable structure. If the Operations Manager determines that there is a need for an underbrushing permit, an adjacent landowner may be granted a permit to underbrush 50 feet from a habitable structure. A 100-foot vegetative buffer strip (measured horizontally) has been established from the vegetated edge of the conservation pool landward. Landowners may be granted an additional 50 feet of underbrushing if it would not disturb the 100-foot vegetative buffer strip. 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, unattached garages, or other outbuildings are not considered a part of the habitable structure. The actual limits of vegetation modification will be determined by the Operations Manager and clearly defined on the permit. Long-term adverse impacts to the soils, water quality, aquatic resources, archeological resources, wildlife, aesthetics, and recreational resources would be realized by underbrushing or clearing to the waters edge. The permittee will delineate the Government property line in a clear, but unobtrusive manner

approved by the Operations Manager. Areas covered by the permit will be inspected periodically to assure that the underbrushing is within prescribed limits.

b. **Public Access Mowing.** There are reaches of the shoreline that are popular areas for public use or have potential public use. Many of these areas have been continually 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 Manager will consider each case on an individual basis. The Shoreline Use Permit issued for this purpose will contain a special condition that, "all lands covered by this permit shall 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 Manager.

c. **Use of Chemicals.** Due to Greers Ferry Lake being a water supply reservoir, use of Chemicals for vegetation modification by the public is not allowed.

d. **Removal of Natural Vegetation.** Areas to be underbrushed in association with authorized vegetation modification activities will be identified by the Operations Manager or his representative. Woody vegetation in excess of 2 inches in diameter at the stump will be protected. Trees and shrubs that are considered "flowering" or other vegetation identified in the field will not be removed. Burning of limbs, driftwood, trash or debris is not allowed on public lands. This is in accordance with the fire codes of the Arkansas Department of Environmental Quality. Removal or placement of leaf litter is prohibited except where authorized under a shoreline use permit. Only dead or diseased trees that pose a hazard to private dwellings and have been previously inspected and marked by the Operations Manager or authorized representative may be cut. Felled trees shall remain on project lands for wildlife habitat.

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 the stump). 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 points. 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 begun. When overuse of a path creates an erosion problem, the permittee will cease to use that path and remediate it. The use of an alternative path will be approved during the remediation.

8-04. **Conditions.** Shoreline Use Permits for vegetative modification are granted for a term of 5 years, renewable at the option of the Operations Manager, and subject to revocation at any time for conditions such as erosion, littering, or other abuses and violations of permit conditions, which would adversely affect the environment of the project. Future revisions of present rules may also necessitate revocation of permits. The following conditions apply to vegetative modification permits:

- a. This permit constitutes authority to perform only the specific scope of work detailed in the permit.
- b. All paths or underbrushing will be laid out with on-site supervision and approval of the Operations Manager or his designated representative.
- c. Paths are limited to a maximum of 6 feet in width and must meander to help prevent erosion and avoid tree removal. Excavation and filling on Government land (and flowage easement) are prohibited. No structures may be constructed in conjunction with paths covered by these permits.
- d. Vegetation will not be removed except as specifically approved on the site and noted on the permit. No trees in excess of 2 inches at the stump may be removed.
- e. Refuse is to be removed from Government land. Burning on Government land is not permitted.

f. Only hand operated tools and noncommercial lawn mowers may be used on Government land. The use of heavy equipment such as tractors and bulldozers is not permitted.

g. All work will be accomplished without cost or liability to the Government.

8-05. Erosion Control. All erosion control measures must be in accordance U.S. Army Corps of Engineers policy.

8-06. Boundary Line and Encroachments.

a. The boundary line of Greers Ferry 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 36 CFR, Ch III, part 327. Violations of this nature will result in the issuance of a citation requiring appearance before a U.S. Magistrate.

b. Every year, subject to budget availability, the U.S. Army Corps of Engineers repaints witness trees and cuts back undergrowth along sections of the boundary line. The intent is to maintain a defined, recognizable line between private and government property around the project. 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 the 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 will 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 include, but are not limited to: unauthorized vegetation modification, limbing and cutting of trees, construction of gardens, placement of landscaping, placement of structures, etc.

8-07. 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 boats.

c. Any type of private sewage or outfall structure.

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

e. Gardens and any type of lawn or landscape planting unless written approval has been received from the Operations Manager.

f. Burning on Government property without prior approval of the Operations Manager.

g. Any type of land-form modification, construction, or other activity that changes the original or present condition 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 authorized by a Department of the Army 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.

8-08. Resolution of Violations. Violations will be resolved in accordance with the guidance found in SWLR 1130-2-47, Timber and Personal Property Trespass

8-09. Fees. An administrative fee of \$10 will be made for shoreline use permits for vegetation modification and/or path construction. No annual inspection fees will be charged for these permits. Permit fees are nonrefundable.

SECTION IX PERMITS

9-01. Shoreline Use Permits. Shoreline use permits are issued for private floating facilities, access paths, and underbrushing which do not in any way involve a disruption to or a change in land form. All of these permits will be nontransferable, and fees charged for these permits are nonrefundable. Upon sale 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 an application has been made and administrative charges and inspection fees have been paid.

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 navigable waters or other "waters of the United States" will be permitted under conditions specified in permits issued under authority of Section 10, Rivers and Harbors 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. These activities are prohibited for private individuals at Greers Ferry Lake.

9-03. Real Estate Instruments. All commercial development activities and all activities by individuals which are not covered above and appropriate land-based support facilities required for private floating facilities such as roads, powerlines, and tramway rights-of-way will be covered by a lease, license, or other outgrant.

SECTION X

OTHER LAND USES

10-01. 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 or disposal fields are provided for recreational vehicles in parks. Marine dump stations are provided at Heber Springs Marina, Fairfield Bay Marina, Shiloh Marina, Eden Isle Marina, Dam Site Marina, and Choctaw Marina. Sewage disposal methods and facility designs are in accordance with applicable Arkansas Department of Health and Environmental Protection Agency requirements. There are no sanitary landfills or sanitary sewage disposal facilities on the Greers Ferry Lake project. No Shoreline Use Permits or Real Estate Instruments will be issued for septic tanks or septic field lines on government property.

10-02. Adjoining Lands. Septic tanks and other sanitary facilities constructed on adjoining private land are subject to inspection and approval of the Arkansas Department of Health. Any evidence that these facilities are not functioning properly is reported to the Arkansas 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 benefit to all the public and to balance bona fide recreational needs against the physical limitations and aesthetic qualities of the lake, its natural resources, and surrounding lands. The plan has taken into consideration both the present and future recreational needs of the area.

11-03. Review. The shoreline management plan presented in this Appendix is a flexible and working document. The Operations 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 review/coordination with District staff will be conducted in advance of recommending/implementing major revision to this plan.

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