

Table Rock Lake
Oversight Committee
Meeting
Dewey Short Visitor Center

July 16, 2020

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A P P E A R A N C E S

Table Rock Lake
Oversight Committee: MS. DANA COBURN,
Designated Federal Officer &
Project Manager,
US Army Corps of Engineers

MS. TAMERA JAHNKE, Chairperson

MR. RYAN BENEFIELD, State of
Arkansas & Arkansas Natural
Resources Commission

MS. BECKY SHORTT, Operations
Project Manager & Alternate
Designated Federal Officer

MS. SHEILA THOMAS, Table Rock Lake
Chamber of Commerce

MS. TWILIA HARRISON, Table Rock
Lake Chamber of Commerce

Appearing via phone:

MR. PAT COX, Owner/Operator of the
State Park Marina & Harbor Marina

MR. ROBERT HUNT, Missouri
Department of Natural Resources

Corps of Engineers: MS. DEANNA RAY, Counsel on Legal
Matters for Table Rock Lake

MS. TRISH TANNEHILL,
GIS Specialist

MR. RODNEY RALEY,
Deputy Operations Project Manager

MR. JERRY JUDGE, District Forester
MR. CHRIS ROARK
MR. JAY WOODS
MR. RYAN BOTT

MS. BRENDA JACKSON
MR. ROBERT OLLER

AT&T MODERATOR: Ladies and gentlemen, thank you for standing by. Welcome to the Table Rock Lake Oversight Committee conference call. At this time, all participants are in a listen-only mode. Later, we will have a question and answer session. Instructions will be given at that time. If you should require assistance during the call, please press star then zero. As a reminder, this conference is being recorded. I would now like to turn the conference over to Dana Coburn. Please go ahead.

MS. COBURN: Thank you. Good morning, everybody. At this time, I would like to call our meeting to order. My name is Dana Coburn. I am the designated federal official for the Table Rock Lake Oversight Committee. We have several people at the Dewey Short Visitor Center. At this time, I would like everybody to introduce themselves, starting with our chairperson.

MS. JAHNKE: My name is Tammy Jahnke. I'm Chairperson of the Oversight Committee.

MS. THOMAS: I'm Sheila Thomas.

MR. BENEFIELD: Ryan Benefield.

MS. HARRISON: Twilia Harrison.

MS. SHORTT: Becky Shortt.

MS. COBURN: We have a couple of our committee members that are also dialling in, if they would like to introduce themselves.

MR. COX: Good morning. This is Pat Cox on the line.

MR. HUNT: My name is Rob Hunt, with the Missouri Department of Natural Resources.

MS. RAY: Deanna Ray.

MR. RALEY: Rodney Raley.

MS. TANNEHILL: Trisha Tannehill, with the Corps of Engineers.

MS. JACKSON: Brenda Jackson.

MR. OLLER: Robert Oller.

MR. JUDGE: Jerry Judge, Corps of Engineers.

MR. ROARK: Chris Roark, Corps of Engineers.

MR. WOODS: Jay Woods with the Corps of Engineers.

MR. BOTT: Ryan Bott, Corps of Engineers.

MS. COBURN: Okay. I believe we have everybody that has been introduced. I would

I like to thank everybody for participating today. And I really appreciate your patience. We are trying this out with a teleconference. If there are any issues at any time, please try to alert. We have several AT&T operators on the line. I would like to remind our committee members and Corps staff that are here, if you're speaking, please speak into the microphone closely. And remember to keep your microphones muted when you're not speaking.

So to start today, we have the purpose of our Table Rock Lake Oversight Committee, I'm gonna do a quick recap. The Table Rock Lake Oversight Committee is an independent federal advisory committee established as directed by Section 1185C of the Water Resources Development Act of 2016. The committee is advisory in nature only, with duties to include providing information and recommendations to the US Army Corps of Engineers, Little Rock District Engineer, on revisions to the Table Rock Lake Master Plan and Shoreline Management Plan.

The Table Rock Lake Oversight Committee may also, at the discretion of the district engineer, review any permit to be issued under

the provisions of the existing master plan and Shoreline Management Plan until any approved provisions are finalized and become part of the formal governing documents.

So we have a few ground rules for the Committee and our meeting. This is a Federal Advisory Committee Act committee, and it has applicable regulations. Our meetings are open to the public for observation. Today, we are having a virtual meeting. It's due to COVID-19 concerns. This meeting is being held virtually with members of the public. We have this dedicated phone line open to the public in order for them to listen to the meeting, and during the time provided, to make verbal comments to the committee.

For the members of the committee and the Corps staff attending the meeting in person today, we are to be wearing face masks unless we're speaking into the microphone for the -- we do have a court reporter here that is recording. In addition, we are maintaining our 6-foot of social distancing.

We do -- will have a verbal public comment time today. We have ground rules. We

have an AT&T moderator on the phone line who will help facilitate the process for those that would like to make a verbal comment and address the committee. It is similar to being in line if you are here in person. Your name will be called and your line will be unmuted when it is time for you to give your verbal comment. Similar to our meeting number two, you'll be allowed two minutes to speak. At the end of the two minutes, your line will be muted to signal the end of your verbal comment time.

We have the Table Rock Lake Oversight Committee recommendations to the district Commander. We would ask that the committee members will have the opportunity today to make recommendations on the draft documents to the Little Rock District Commander. It is suggested that committee members use a process similar to Robert's Rules of Order where a motion is made, seconded, and voted upon by the committee members.

If we have any media inquiries today, please contact our Corps public affairs representative or the office. Our documents are available to the public on the Table Rock Lake

Oversight Committee Web site. The meeting documents were made available for review by the 9th of July. That was a week ago. And it included the meeting minutes from meeting number two. Our court reporter report for meeting number two, all written comments submitted from November 2019 to July 9, 2020. And then the Commander recommended a permit for review, which is Serenity Shores.

We will try to have breaks today. One ten-minute break this morning, one lunch break, and one ten-minute break in the afternoon. I understand this is a little bit different with the teleconference. So, again, I would appreciate patience and understanding. And, again, if you have any issues, please let the AT&T operator know; and we will try to work through that.

If you -- if you experience any phone line issues -- if we experience any phone line issues, please let us know. If all of a sudden you can't hear us, let us know and we'll try to get the phone line back up and working again.

Okay. With that, I am going to turn it over to Dr. Jahnke, our chairperson, for a recap

of meetings one and two.

MS. JAHNKE: So this committee met first on December 12th of 2019. At that time, the Corps introduced the draft plans for information purposes; and we had a committee discussion at that point. The meeting notes, the transcript, the draft plans, and the presentation are all available on the Table Rock Lake Oversight Committee Web site.

At our second meeting which was held on March 5th of 2020, we received verbal public comments. We heard presentations on items requested by the committee during meeting one that included solar power, potential number of private slips, carrying capacity, and commercial remote service docks. This was followed by committee discussion. The meeting notes transcripts and presentations of -- are all available on the Web site.

So the purpose of today's meeting, once again, is for the committee to continue to hear verbal public comments on the Table Rock Lake Master Plan and Shoreline Management Plan. The committee will also have time to discuss, ask questions, and make recommendations on the above

plans. We'll also have time to discuss, ask questions, and make recommendations on the Commander-recommended review of permit.

And I think we are now ready to move to item two of the meeting agenda. Please initiate callers to indicate if they would like to make a verbal comment and start the line.

We have up to three hours of the meeting set aside for public verbal comment. Two-minute maximum per person. You will not be allowed to transfer time to another person. First come, first serve. And this will be moderated, facilitated by our AT&T operator.

You can sign in with the audio call moderator, and you will be asked for your name and will be automatically placed in line. If at any time a caller makes unacceptable or vulgar comments, their line will be muted and they can and will be disconnected from the conference call. Call-in speakers will be announced by the DFO and will have two minutes to speak. At the 30-second mark, the DFO will indicate the caller has 30 seconds remaining.

MS. COBURN: Stacy, are you on the line?

AT&T MODERATOR: Yes. And pardon me. If you have a question or comment, press 1, then 0.

First, we'll go to Lisa Munden (ph.). Please go ahead.

(Audio drops) stayed at Faria resorts at WaterMill Cove Resort over on Indian Point. We have a lot of extended family -- I'm sorry. I'm talking about whatever items you have on your list, the Serenity Shores dock project, and I just wanted to comment on this particular company.

We have a lot of extended family -- from grandparents to cousins, adults and kids. And we stayed over at their WaterMill Cove Resort, and wow, we've just had the best times. If there's a possibility of another property like that, one coming in the future, then we are so excited. These resorts are just a first-class operation.

So I just wanted to say to please consider approving this dock permit so that more families like mine can have a beautiful place to make more wonderful memories. That's all I had.

AT&T MODERATOR: We'll go to James Towery (ph.). Please go ahead.

CALLER: Good morning. Can you hear me?

AT&T MODERATOR: Yes.

CALLER: Okay. I put in a written comment, and I don't see the date on this now,. But I'm the owner of a Table Rock Shore Resort doing business—Table Rock Shore Resort by ST Properties, LLC, and we have a current Shoreline lease in Little Aunts Creek, a resort lease, DACW-031138274. That is in the limited development area 133.

Just like the previous comment, we have a first-class resort that we're building. We built six cabins this year. We plan on adding five more cabins this winter and another five cabins the following winter.

We have a 12-slip boat dock that is currently permitted in that resort lease, and we're finding that we are already filling that boat dock to capacity on weekends.

So, I have talked to the Corps, specifically Cheryl Wanko, to try and find out the process to be able to add another boat dock. So my comments

were that the limited development area extends quite a ways to the east of my resort lease, at least 110 feet, and I'm asking the Corps to consider moving that limited development area to the west side of my

Lease so that I will have enough—

MS. COBURN: Sir, you have 30 seconds remaining.

CALLER: I need to add another boat ramp, and I'm needing the LDA extended 110 feet to the west. Therefore, I can extend the lease and then get a dock permit. Thank you for your time.

AT&T MODERATOR: We'll go to Kenneth Pekarek (ph.). Please go ahead.

CALLER: Hi, this is Kent Pekarek, and I'm an owner of a condominium at Towers on the Lake. They say that a picture is worth a thousand words. Or in this case, a picture may just prevent the loss of human lives and the prevention of destruction of personal property.

The Eastern Red Cedar presentation prepared by Gerald P. "Jerry" Judge, district forester, National Resources Little Rock District, has clarified much of the confusion

regarding the cedar. Some consider the cedar a weed, a brush, or a shrub, but it is not a true cedar. It is a juniper.

We have drone ground (indiscernible) and safety pictures of trees threatening to fall into homes, houses, condominiums, vehicles, etc.

We also have press pictures showing trees that have already fallen into homes and condominiums and have killed humans, including children, and caused a great deal of property destruction.

As we all know, Branson area is subject to ice storms like the ice storm of 2008 and 2009, and strong thunderstorms with high winds and hail. The winds, ice, and thunderstorms could snap these branches off or even the entire tree out of the ground. The tree and branches could crash through the sunrooms or even fall through the entire condominium.

We also had a picture where, in fact, a tree has actually fallen through an entire condominium. This should be an easy solution, and --

MS. COBURN: Sir, you have 30 seconds remaining.

CALLER: -- committee members would view these pictures and other information as relevant to the situation. A simplistic solution would be to remove the hazardous trees that are upwards to almost 60 feet now. The (indiscernible) are where most residents watch TV, visit playrooms, play with children, and some sleep on Murphy beds. Yet, those trees that can kill them are only a few feet away. Thank you.

AT&T MODERATOR: We'll go to Fred Greene (ph.). Please go ahead.

CALLER: Thank you. Committeewoman Jahnke, your committee was created by Congress in the FCA Act. You're charged with advising the agency. And in this case, that's the Corps, as directed by Congress. Under this act, the Corps is required to listen. They're not required to take your advice.

While we know they took the advice of the focus groups in 2015, your advice is quickly reaching its expiration date. Later this morning, as a result of the last meeting, we hear about cedar trees and penalties for dock violators. Without seeing the most recent draft

of the Shoreline Master Plan and knowing if any changes have already been incorporated, these presentations are just more noise from the Corps.

It doesn't matter if it's communications to build trust, no-wake buoys, solar-powered docks, cedar trees, or natural warm season grasses to prevent erosion, vegetated buffer zones to reduce US taxpayer liability, or rewriting Title 36, Section 327 without Congressional approval, the Corps knows they're in charge.

All you can do, Madam Chairwoman, is put into the official record your recommendations, nothing else. If the court cares, they'd listen and respond. If they follow their status quo, they don't. You decide: Heat on or hall pass, it's your choice. Ms. Coburn was provided --

MS. COBURN: Sir, you have 30 seconds remaining.

CALLER: Ms. Coburn was provided with the same set of comments I provided each of your committee members. Interestingly, the paper on potential Corps liability has been posted three

times -- in April, in May, and again in June. And it has yet to be made public. Please ask Dana why. Do with the Corps what you want, but please have the courage to stand up and be Counted. Thank you very much.

AT&T MODERATOR: We'll go to Scott Morris. Please go ahead.

CALLER: Good morning. My name is Scott Morris. I'm the corporate manager for Safety, Security, and Training for Kanakuk Kamps. And we are requesting that the resort limited development area number 460, which is in the vicinity of our middle school camp that we call K West, be shifted 300 feet to the west.

Currently, the LDA stretches from the western edge of our lease area to the east and into the cove, and much of that cove is narrow and not used except for kayakers, but we do put sailboats into the water from the area that is to the west of our lease area near the southern curve and the shoreline where there's better wind. That area has some brush that is starting to grow over, and we are starting to experience increased safety issues with snakes and such. So extending that LDA to the west would allow us

to request a shift in our lease area so we can trim shrubs and discourage snakes and maintain reasonably clear waterfront from which to launch the sailboats creating as a safer environment for the campers and the staff.

A second option to shifting the LDA would be to remove 300 feet of the LDA from the eastern edge of our property line and add that to the western side so that it would create a 300-foot gap in the current LDA, but it would preserve the eastern edge of the current LDA which is on a neighboring property. That property's waterfront is at the very end of the cove. It's too narrow there to put a dock into the current policy, but that would preserve --

MS. COBURN: Sir, you have 30 seconds remaining.

CALLER: Thank you.

That would preserve the LDA access for that landowner for whatever use that they might have. So those are the two options we present so we can better help manage that waterfront and make it safe.

Please let us know if you have any

questions or require any further information. Thank you for your time and your attention. We love our home on Table Rock Lake, and we look forward to future work with the Corps of Engineers. Thank you.

AT&T MODERATOR: We'll go to Jeff Johnson. Please go ahead.

CALLER: Hi. Longtime Table Rock person and love what the Farias have done over at WaterMill Cove and would be absolutely in favor of Serenity Shores, especially if that development is contingent on getting a boat dock. That's all I have.

AT&T MODERATOR: Thank you. We'll go to Kenneth Pekarek (ph.). Please go ahead.

CALLER: This Cindy Cunningham. I'm Kenneth Pekarek's wife who spoke shortly. A little bit ago, we started this process. We're at Towers on the Lake at Emerald Pointe. We've owned our condo here since 2002.

We started back in 2018 on what I'll call this project. We had a fire marshal from Taney County comes out and look at the back of our condo building. He was very concerned about the threat of fire back here. So we then

contacted the Corps. They sent a ranger out. The ranger looked at everything, gave us permission to cut some limbs that were really close to the condo and some "invasive species" that were on the property.

We had the ranger come back to clarify what the invasive species were because we wanted to make sure that we were only cutting what we were supposed to, and we marked everything and cut pretty much everything down that he told us to.

Two years later, it's all grown back within a few feet of the condo. We need to get around this process that we have to do about every year. We agree with the Little Rock District forester about the Eastern Red Cedar.

What we would request is that we were able to remove all of the threatening vegetation 200 feet from the base of our building to include what may be on the Corps-regulated land.

Storms, floods, ice, they all cause problems with the trees --

MS. COBURN: Ma'am, you have 30 seconds remaining.

CALLER: -- which could come into the

condos. In closing, prior to any final decision regarding the vegetation modifications, I would hope the board members either visit the back of the Towers on the Lake condos or at least review the pictures. Thank you very much.

AT&T MODERATOR: At this time, there are no questions in queue.

MS. COBURN: There are no further verbal comments on the list. We will move to item three. We do have a Corps -- a couple of Corps presentations on the draft Master Plan and draft Shoreline Management Plan. We have a discussion of information that was requested during meeting two by the Table Rock Lake Committee.

Up first is a presentation on the Commercial Remote Dock Service Program, Answers to Questions From Meeting Two. And that will be done by Ms. Becky Shortt.

MS. SHORTT: Okay. Good morning, all. I do not have any type of PowerPoint presentation or handouts. I'm just going to read the questions that were asked previously and -- and give you the answers that I found for those.

Question number one that was asked is: "Is further Corps approval required for the commercial remote service dock program to continue? Was the program ever formally approved?"

So that's a -- still a question mark. But the bottom line is, is whatever is written in the final Shoreline Management Plan would require signature from the division Commander, which would be higher headquarters approval required by the original pilot program. So whatever comes out in the Shoreline Management Plan once it's signed by the division Commander would be the higher headquarters approval required.

Question number two was, "what is the recorded public comment regarding the community remote service dock?" So I went through the scoping reports from the SMP and the Master Plan. And the Shoreline Management Plan and the scoping report file that was done on November 15th of 2015, there were five comments received to continue the remote service dock program. One comment received that they were opposed to marina expansion in front of their

home.

Two comments received to remove a specific area of marina buffer so that they could add a slip to their private dock.

In the Shoreline Management Plan focus group report final, which was done on January 30, 2016, recommendation number 4-03-14 said, "approved remote service dock satellite location should stay in place regardless of Shoreline or Master Plan classifications except in environmentally-sensitive area classifications."

Recommendation 4-03-21 was "eliminate marina buffer zone, and all current RLDAs should be converted to limited development area and retain appointed remote dock site locations."

And then there was a general comment that "there are remote satellite locations that were approved, and these should stay in place regardless of the shoreline or Master Plan classification."

In the Table Rock Lake Shoreline Management Plan draft release final report, which was compiled and completed on June 14, 2018, there was only one comment

received on remote service docks. This comment was -- there was one comment stating objection to the elimination of remote service dock program, stating, "the elimination discourages businesses who may want to relocate in an area where they could be served by a commercial remote service dock."

In the Master Plan process in the scoping report file, which was February 4, 2013, there were no comments received on the commercial remote service docks or program. In the draft comment spreadsheet, which was compiled in December 23, 2013, there were also no comments.

In researching the current policy that's in place, Little Rock District Regulation 1130-2-53, which was completed in 2007, signed and published in 2007, we do not have any background information on that report. In that regulation, it states that "the need to limit the expansion of commercial remote service dock concepts is a result of increasing objections voiced related to vehicular and pedestrian traffic in communities adjacent to the lake and the impression gained that management favored

commercialism over public use."

Later on in the document, it goes on to say, "early results of the service dock program were desirable, but an increasing number of adjacent landowners raised valid objections to the practice of placing boat docks in areas near their homes when private docks were prohibited." Again, this is just what was recorded in the regulation itself; and we don't have any of the background information that went into producing that document.

So other than that, we have no other public comments from earlier events were retained. Typical record retention for the Corps of Engineers is six years.

The third question asked is, "is there a middle ground?" The project delivery team that worked on the Shoreline Management Plan had extensive discussions regarding commercial remote service docks. And what I'm going to share with you is what we had in our working notes, so what was discussed.

We discussed to continue the program as it is now, allowing new remote service docks for resort conversions and at approved remote

service dock sites.

Pros that were discussed were:

Provides more reach for people living near commercial marina; allows additional marina slips without adding additional traffic in parks; allows additional marina slips without advertising a new concession; marina concessionaire knows the dock will be successful prior to building; it's easier for the Corps to manage and administer than community dock permits. And it's talking about the time and man hours involved. It provides an option for resort and marina buffer areas to convert to remote service docks at the same location if the resort stops operating as a bona fide resort.

Cons that we discussed were:

Public perception that we are catering to concessionaires. It allows outside parties to enter a subdivision area to access remote service docks, so an increase in traffic in those subdivisions.

It increases boat traffic in a potentially high-traffic area around a marina. It can look like a mini marina. And it is a policy that has only been in use at Table Rock

Lake. It was not picked up by any other Corps of Engineers across the nation.

The Master Plan itself says the program has been rescinded. The Master Plan also had discussion on too much boat traffic, specifically in the Kimberling City area.

The team also discussed discontinuing the remote service dock program, no new commercial remote service docks, allow existing to remain as they are, so kind of a grandfather status.

The pros to that would no longer have this Table Rock specific policy, except for handling the existing docks. And there would be no additional traffic through subdivisions, and there would be no additional boat traffic from additional slips within the marina buffer area.

The cons is that the public would still perceive that we are catering to marinas because they still can't build a private new dock/slip within the marina buffer area.

There was discussion on -- I'm scrolling through my document here. So this was a continuing thing that our committee talked about. And we went through a -- a

problem-solving process where we identified the problem. And we identified it as Table Rock Lake has a commercial remote service dock program. It's unique program to Table Rock Lake, and it's not consistent with other lakes in the Corps.

We gathered information. It was a pilot program started in the 1990s, pilot being a three-year trial period. The first known regulation was in October 1997. It stated, "the purpose was to protect the existing park shoreline from commercial dock storage expansion; reduce marina traffic on interior park roads; and enable convenient public utilization of quality commercial boat storage services outside of park areas."

The second regulation and the current regulation is completed in June 2007. It stated, "the purpose is to enable convenient public utilization of quality commercial boat docks outside of designated park areas." In Section 6A, the regulation refers to other stated purposes, referring to a previous policy that "early results were desirable. An increasing number of adjacent landowners raised

valid objections to the practice of placing boat docks in areas near their homes where private docks were prohibited."

Title 36, which is the National Code of Federal Regulations, does give preference to commercial marina services over additional private group mooring facilities.

Commercial remote service docks are easier, more efficient to manage and administer than private community docks; however, they are not as easy as a dock that's located within the prime lease area.

We discussed a commercial carrying capacity, stating a minimum number of boat slips per area or zone has not been completed. SMP, scoping comments were inconclusive. Many comments received requesting the ability to add slips within the marina buffer.

Historically, we received complaints from the Kimberling City area landowners that wanted the program discontinued -- reasons ranging from too much congestion to I don't like the additional outside traffic coming through my subdivision. So I can't build my own private dock. The marina shouldn't be able to build a

dock either. And those were comments that were discussed that rangers had heard while out on patrol or just in the community, not things that were written down and handed in.

So we developed our criteria. We developed screening criteria. Does it negatively affect the balance of private and general public use? And then is it a violation of any law or regulation? So we decided that on either of those, the screening criteria was it was not a violation of the law and regulation. And then affecting the balance of general and private use, we'll go on and discuss that later.

Part of the evaluation, we had the criteria of physical sustainability, environmental sustainability, public safety, economic development, and public perception. So those were the criteria that we were gonna judge all of our potential courses of action against. And then -- then we generated possible solutions. The solutions, I'll call them COAs for "course of action."

COA1 was to continue the program as-is. COA2, to end the program, policy is rescinded. COA3, end date for the program where marinas

could apply for a certain period of time, which would be phasing out the program. And then COA4 is end the program, but try to make a compromise by extending prime lease areas.

So we went through all of those COAs as a team. We did some subsets of those. For continue the program, no action, we continue with current regulations allowing for conversion of the existing remote service docks -- allowing for the existing revert docks to convert to remote service docks, but no other new docks until a commercial carrying capacity is completed.

We considered a new remote service dock to support a resort. The policy -- we talked about how the current policy's difficult to interpret. And we then talked about a Sub B for a new policy, similarly restrictive but easier to interpret, or it could have been a more liberal program.

And under COA3, we came up with a -- so COA3 was an end date for the program. We come up with a subset that we could have a new policy for the phaseout period or we could continue with the current policy under the phaseout

period. So we used a decision -- we used our decision criteria; and we had a zero of no effect, up to a plus two for a major effect, to a minus two for a major negative effect.

And using those criteria and that being balance of general and private uses, physical sustainability, environmental sustainability, public safety, economic development, and public perception, our -- we came up with two possibilities of -- that had relatively similar, and that was COA2 and COA3B.

And after discussion we ended. And so as a reminder, COA2 was to end the program, policy is rescinded. COA3B was an end date for the program where marinas could apply for a certain period of time phaseout with -- under the current policy.

And so the team went with a recommended course of action of an end date for the program where the marinas could apply for a certain period of time under the current policy. Any questions?

MS. JAHNKE: Okay. Questions from committee members?

MS. THOMAS: Just to clarify, Becky,

the comments that you are referring to about public perception were not received, in great total anyway, through the focus groups or the Shoreline Management Plan comments. They were -- they are public perception comments that you're saying are -- you're hearing from being in the field?

MS. SHORTT: That's correct.

MS. THOMAS: Okay.

AT&T MODERATOR: We'll go to Janelle Hostetter (ph.). Please go ahead.

CALLER: Just for Serenity Shores part, do I need to wait for that?

MS. COBURN: No ma'am, you can go ahead and proceed with your comment.

CALLER: Yes. So I frequently go to Table Rock Lake and Kimberling City area a lot, and I read some of the e-mails that you posted. My opinion is that Kimberling City needs the development badly. I think a development like this, what is proposed would be a huge asset to the community and only bring the type of visitors that we would want to come in this area.

I'm just curious why the condo

development and the cove are able to have several docks, and this free development will not be allowed to have just one dock? I am in favor with allowing this dock to be built because it just wouldn't seem fair if they didn't get approval just because the area neighbors don't want anything in their so-called private cove. That's all I have, thank you.

MS. JAHNKE: All right. Thank you. We have more. Okay.

AT&T MODERATOR: We'll go to Steve Faria (ph.). Please go ahead.

CALLER: Hello. I hope I'm speaking at the right time, but first let me just address The concerns of nearby property owners. I've read all the e-mails in favor and against this project. Of the opposing e-mails, 71 percent of them mentioned that they do not want more docks and slips; 28 percent of them mentioned that they are concerned about speeding boats or wake buoys; and 24 percent mentioned that they do not want any docks in their swimming beach area.

First of all, our plans are to contact the water patrol and register for a no-wake buoy. Second, many state they essentially want

the cove to themselves and don't want anyone else there. Of course, they already have their slips on many large docks at Point 7 and Omar (ph.).

Honestly, this sounds like a very selfish reason and not looking out for the best Interest of other families that should be able to enjoy the lake.

Third, the majority of them mentioned they do not want any more docks built on Table Rock Lake.

Table Rock Lake will never be the Lake of the Ozarks because the Corps has only 12 percent of the shoreline zone.

What the opposers don't understand is that the dock is already approved with redline zoning. We are only asking to approve the guests that can utilize the slips during their stay. Also, there will be less boat traffic from this dock than a community dock.

I have two luxury resorts, and only 47 percent of the slips are rented out during the 60 days of peak time. The remaining ten months of the season, the slips are used less than 10% of the time.

This 44-acre property has zoning to build over 600 condos. The proposed resort has 20 private homes only and a beautiful pool.

MS. COBURN: Sir, you have 30 seconds remaining.

CALLER: This is the best possible outcome any neighbor could ask for to be developed on our four-zone property. Do we want 600 condos with the potential of 3,000 people or a small nightly rental luxury community that serves less than 300 people?

The new development will bring quality guests, 98 percent are families. Other resorts don't have the standards we do. We have tons of five-star reviews.

We hope that you guys can approve this dock zoning request. And please approve the docks, so we can keep having families enjoy beautiful Table Rock Lake. Thank you.

AT&T MODERATOR: We'll go to Ky Englund (ph.). Please go ahead.

CALLER: Thank you. I read the e-mails, though my thought is the fear of the unknown, it's my understanding that Faria Resorts purchased the land from Holiday Inn or

Intercontinental Hotels. For that reason, I feel like we dodged a bullet. We've all seen beach towns and lake towns go the way of just commercial property.

Faria Resorts is something that we've seen. They focus on natural beauty. If this dock permit is basically contingent upon Faria Resorts building versus someone else more corporate, I would certainly suggest and recommend that we pass the commercial dock. Thank you for your time.

AT&T MODERATOR: We'll go to Brad King. Please go ahead.

CALLER: I'm Brad King, a developer in Southwest Missouri and on Table Rock Lake. My comments are regarding Serenity Shores Resort and the dock rezone.

This property in its currently zoned state would allow for hundreds of condos or even a hotel style resort. Serenity Shores is proposing merely 20 homes to be constructed in a way that is environmentally friendly with as little natural impact as possible.

Of 40 acres of property, less than 50 percent of the property has seen impact. I

believe the dock use and impact for 20 homes will be significantly less than the use would be for hundreds of condos or a Holiday Inn or a hotel-style resort property which would currently be allowed.

I've been a part of many developments on Table Rock Lake, and I will say that Faria Resorts builds a first-class product that should be supported in all ways. I would ask that you approve this dock rezone to allow him to continue forward with his resort. Thank you.

AT&T MODERATOR: We'll go to Roman Leontyuk (ph.). Please go ahead.

CALLER: Hello. I'm always concerned about what visitors we are bringing to Table Rock. I don't want it to be another Lake of the Ozarks. I would prefer families and not partiers. The research that I looked at sounds -- and I know that this company caters to families. I am 100 percent in favor of this type of development if that is the case.

I would also recommend that they approve this dock. Thank you.

AT&T MODERATOR: We'll go to Alex Pechenyek (ph.). Please go ahead.

CALLER: Good morning. This is Alex Pechenyek. I believe that everyone should enjoy the lake, not just the people that own a home on it, a personal home.

This resort is going to bring and allow me to bring my close family from different states for everybody to enjoy.

I'm excited to hear that a new resort might be coming to Kimberling City. I don't think a new resort like this one has been developed for some time now. Thank you for this opportunity to express my opinion.

AT&T MODERATOR: We'll go to Leah Lofton (ph.). Please go ahead.

CALLER: Hello. I'd like to comment on the Serenity Shores dock request. I grew up living on the lake every weekend of the summer, and it's still something my family enjoys. I understand that this development, the development of Serenity Shores, is 20 homes and not a huge condo development.

I'm so glad that they're not going to build hundreds of condos. I wish condos were not allowed to be developed on Table Rock Lake. Beautiful lake homes are a welcome

addition because they're more family friendly, and they just look better in the landscape of the lake.

I believe that the dock zoning request should be approved to allow this development to move forward. Thank you.

AT&T MODERATOR: At this time, there are no further comments.

MS. COBURN: Okay. So I'll apologize for the move backwards back to item two; but we'll continue on to item -- back to item three, talking about our presentations. We have -- the second presentation will be on Cedar Trees, Answers to Questions From Meeting Two. We have Mr. Jerry Judge. He's our forester from Little Rock District.

MS. SHORTT: Dana, before we move on, I just wanted to make sure, did the committee have any other questions regarding remote service docks at this time?

MS. JAHNKE: Rob or Patrick?

MR. COX: Am I online?

MS. COBURN: Yes.

MR. COX: Can you guys hear me?

MS. COBURN: Yes.

MR. COX: This is Pat speaking. You guys can copy, right?

MS. COBURN: Yes.

MR. COX: Okay. First of all, if there's any boating involved I'm going to have to abstain because I have two leases, commercial leases; and that's just too close to home. But I do want to ask Becky, you mentioned that one of the options would be for an existing remote -- or existing resort to convert to a remote service dock. I mean, that's something you considered in your working group; is that right?

MS. SHORTT: That's correct.

MR. COX: Have you had any such request in the past, in the last five years?

MS. SHORTT: Off the top of my head, the last remote service dock that was approved was a resort conversion that was Wildwood Resort in Kimberling City. After that, I do believe that there was one request in the Shell Knob area and Campbell Point area, but I don't remember the name of the resort. I do believe it was denied. But, again, off the top of my head, I don't remember the reason.

MR. COX: Right. And I'm assuming

we're talking about existing boat docks and that the shift of the destination does not increase the extra size of the dock; is that right?

MS. SHORTT: That's correct. When we talk about a resort converting to a remote service dock, we're talking a resort that is existing within the marina buffer area; and that resort, for whatever reason, has decided to sell into private ownership and no longer qualify for a resort lease. And so their options are to either remove the boat dock from the lake or convert to remote service dock if all the needed amenities are in place.

MR. COX: Okay. Yeah. In my experience, it's all but impossible to, under the existing remote service, whether it's rescinded or not, then you'll execute a new one because it's a not-in-my-backyard situation. So I totally understand, but I wonder if parking is provided to a contiguous property so that it doesn't impact anyone around, it's just a new-use pattern that's not in conflict and probably even less impactful from an density and activity level. That might be something to look at. That's all I have.

MS. THOMAS: I have one more question. Becky, what would happen in that scenario, if the resort was -- decided to sell off and they could not convert; they would just simply lose the -- they would remove the boat dock and just not have a boat dock there?

MS. SHORTT: That's correct.

MS. THOMAS: Thank you.

MS. JAHNKE: Are there any other questions?

MR. HUNT: This is Rob Hunt on the phone. And I was wondering if there would be like a written copy of those sort of questions and answers on the remote service dock. I don't know if you've talked about that. Just so I can look at it and digest it a little bit better.

MS. SHORTT: Rob, to be able to provide you that, we would have to be -- post that on the website concurrently, and I don't have the ability to do that right now.

MR. HUNT: Yeah, that's fine. I just mean like in the future even, was the plan to post those questions and answers with a presentation or something?

MS. COBURN: This meeting is being

recorded, both by a court reporter and by AT&T, so we will have transcripts available and posted to the Table Rock Lake Oversight Committee website for everybody to read.

MR. HUNT: Mm-hmm, okay. Thanks.

MS. COBURN: And I believe we do have -- if there's no further questions on the commercial remote service docks, we do have one more commenter going back to item two.

MS. JAHNKE: Perfect.

MS. COBURN: So Stacy?

AT&T MODERATOR: We'll go to Ben King. Please go ahead.

CALLER: Yes. I'm commenting on the Serenity Shores as well. I have grown up down there on Table Rock Lake and been fortunate enough to stay at the Faria's other resorts that they have built. I believe that Kimberling City is in desperate need of this new development.

I feel Kimberling City has been looking run down over the past few years. It's only going to get worse unless new developments start to take place in this particular area.

Kimberling City has had many promises from developers, and nothing has happened over

the past few years. If they are serious about building a new first-class resort, then I hope they start it as soon as they can before they change their mind.

I hope seriously that you consider approving this dock because Kimberling City would benefit greatly from this project, I believe, with other developments that would follow. Thank you.

AT&T MODERATOR: At this time, there are no other comments.

MS. COBURN: Thank you. Okay. We will continue on with item three, continuing on with our presentations. And now we will go to the Cedar Tree Presentation, Answers to Questions From Meeting Two, Mr. Jerry Judge, our district forester.

MR. JUDGE: Good morning. I was asked to come and maybe talk a little bit about the future of red cedars since it has been one of the big topics at times for the committee and the plans. I just wanted to kind of bring everyone up some information on what cedar is, where it fits in the landscape, some of the beneficial uses of cedar and some of the

challenges as well, and then touch briefly on what seems to be some of the more common comments that I've seen in meeting comments and comments applied. Do we have the PowerPoint?

MS. COBURN: We'll get it uploaded. If you are following along on the teleconference, this will be the red cedar PowerPoint that was posted to the Table Rock Lake Oversight Committee Web site page. This is the eastern red cedar PowerPoint.

MR. JUDGE: Okay. Eastern red cedar is a native evergreen conifer tree here in the United States in North America. It has one of the widest ranges of any tree species in North America. It can be found along with a few closely-related variants on up into Canada and all the way down to the gulf and as far west as getting to the grasslands and prairie lands of the Midwest.

It is not a true cedar. There are no true cedar trees in North America. The true cedars are limited to the Middle East and far eastern countries. So technically, all the trees we refer to as cedar here in North America are actually junipers or false cedars. It's

actually a little more closely related to trees like false cypress. And if anyone has done any sort of landscaping or work with nurseries, you know there are hundreds of variations of arborvitae out there. Cedar's actually a little more closely related to those than the true cedar.

Cedar is considered a native pioneer tree species. And when I say "pioneer species," it's one of the first woody plants that will move into -- onto highly disturbed areas, open areas, abandoned areas, such as pastureland, abandoned farm fields. It will move into grasslands. It can move into heavily storm-damaged areas, potentially.

Pioneer species are typically species that will require full sunlight, a lot of sunlight where it will establish, that's where it's going to move first. Cedar has greatly expanded its acreage that it covers in the past -- in the past decades to hundreds of years, particularly post-European settlement.

Pre-settlement times, cedar was limited more to rocky outcroppings down in riparian areas. This is because cedar is pretty easily

controlled by wildfire. And pre-settlement days, there was a lot of fire on the landscape. And when I say, a lot of fire, a lot of wildfire, I don't mean the types of fire that we today associate with wildfire that we see on the evening news; that California is burning up with multiple hundred-foot-tall flames.

These were widely-ranging fires that just meandered around the landscape, and they would kind of go out when weather conditions were poor, when it rained, and they would flare back up when conditions improved, humidity dropped and wind speed picked up, fuel, such as grasses, were there to carry the fire, and it would meander and wander around.

The Indians would use fire a lot, too, as a management tool. They would see the benefits that fire would give, such as removing dead thatch and grasses and encouraging new growth that the wildlife would be attracted to. And then because they were utilizing -- utilizing the wildlife for their sustenance. So they learned to work with fire and promote fire to maintain their daily -- their daily lives.

Once settlement, once European

settlement came along and you started seeing more and more improvements, fire started getting removed from the landscape because it's a threat. The potential of these raging fires that just wandered around was a -- was a threat. Removing it, actually, it was as -- benefitted cedar in expanding its acreage that it could cover because now it doesn't have that natural predator of fire to keep it under control. So we're seeing it expand considerably, especially in areas that are -- that it's most suited to move into, such as grasslands, urban areas.

Cedar does have a, especially when young, fibrous spreading root system. As you can see by the wide range that it covers, it can tolerate and establish in a huge variety of soil types and climate conditions that range from Canada to the gulf. You can see low temperatures in mid double-negative digits. You can see it up into the high temperatures, up into low triple digits. You can see a wide range of rainfall, precipitation, measured in a handful of inches to a considerable amount.

It's a very adaptable species, which again, being a pioneer species, is something

that's required. It can tolerate -- it can become established on very shallow rocky lands, on rock ledges where there might not be much more of a soil except in the cracks and the rocks where it can get its roots. So it starts to take its root system in there and become established.

It can also tolerate virtual -- near saturation of soil in wet areas, but the only thing it cannot tolerate is repeated flooding. So between fire and flooding, those are the two bookends that will keep cedar -- either keep cedar from becoming established or eradicate cedar from an area from a natural standpoint.

Again, it's a pioneer species. It's considered shade intolerant, particularly to become established. And when I say shade intolerant to very shade intolerant, it does not like competition. It does not like adjacent competition or competition shading it out over the top of it and shading it out to become established.

However, since cedar is very hardy and very adaptable, it can survive in a shade once it's become established. It can survive for an

extended time in a shaded understory, such as hardwoods growing around it, overtopping it, pine trees and such. Cedar can continue to survive in that shaded understory. We see that all around Table Rock, where you have mixed stands of hardwoods, various hardwoods, broadleaf species and cedar or pine and cedar. Or you may have a little more -- cedar may be a little more dominant and hardwoods are just coming on.

It's a component or associate in a wide range of forest types and associated with a wide range of different tree species. Cedar also only reproduces from seed. It cannot resprout from a stump. It cannot resprout from a root system. Once you cut a cedar tree down, as long as you cut it below the lowest live limb on the tree, you've -- you've removed that tree from the landscape. It will not resprout, not regrow. Anything that comes back is going to be growing back from seed.

(Instructs) Go to the next line.

So some of the benefits and uses of eastern red cedar. I'd like to point out that those blue berries that you see on the female

trees are not actually berries, they are actually cones. I said earlier that it is a conifer tree. What we mostly think of as conifer trees are pine trees of various sizes, the large woody cones that release a lot of seed in the air that disburse through the air.

Those berries are actually very small cones. They only hold about one to four seeds in general. Cedars actually can start producing viable seeds as early as ten years old. That's a pretty small tree. A lot of trees take a lot longer than that, some triple that amount of time before they start producing viable seeds. Cedars actually are producing it very early.

Those cones are actually a very good food source for a wide range of birds and also smaller mammals. They tend to persist on the tree through the winter, but ones that don't get eaten will tend to fall to the ground. And then if it's -- if the right conditions are appropriate, they'll start to germinate and you'll have -- you'll start to have more cedar trees coming up in the immediate area.

They'll also be disbursed, the seeds after that. If there's cones that's been

consumed by birds or mammals, it will get disbursed out and around. You'll then start to see cedar coming up in fence rows or whatnot where it wasn't previously planted. Birds will go on the fence row, on the post, leave the seeds; and the seeds will germinate and you might have cedars coming up there.

Besides being a good food source, the cones, other wildlife uses include such things as escape cover for species trying to avoid a particular predator. Deer like cedar thickets to hide in. They also use it for shelter -- shelter from wind events, shelter from rain, from snow, the good -- good cover for that sort of thing.

And birds also use the materials. The bark's very fibrous. They'll use strips of the bark for nesting materials. And it is -- there is some use to cedar foliage, live cedar foliage as sprouts. Deer will browse on cedar. It's not preferred. It's kind of a last ditch. But it gives them something to survive on, particularly in wintertime because there isn't much else out there. So they will browse on cedar foliage.

As I said, it is highly adaptable to a very wide range of soil and climate conditions. Makes it good for reestablishing or doing restoration work on something that may not support many other hardwood trees, or pine trees for that matter. The soil conditions, the nutrient levels, the PH just won't support a successful planting, the cedar can move in naturally and start -- and establish all that.

Other beneficial uses include such things as windbreaks, view screens. One of the characteristics of cedar, particularly when it's overgrown, is it retains those lower limbs. The live foliage on lower limbs, it works very well for -- for windbreaks. It was recommended for a while in planting shelter breaks in your prairie states. It would break the wind up. I'll cover -- that also has resulted in detrimental things, which we'll cover in a few minutes, but it functions very well in those cases.

View screens. It's an evergreen tree, so once you -- once it's -- as long as the tree's alive, it's providing some visual -- visual protection, whether -- it's someone who wants to use it as a view screen for their

property or if it's in the case of -- of a recreation area where people are recreating on a lake such as Table Rock don't want to be seen, the activities that are happening on the shore, it provides a sense of privacy and protection.

There's also -- it has some benefits to noise abatement, same thing. You have a -- you have a wall of foliage there, you have the -- you have the dense foliage, even in where it's mixed in with hardwoods or whatnot, it provides some additional noise abatement. It can go either direction, abatement of noise from the lake or abatement of noise coming from the shoreline. It can be beneficial there.

Erosion stabilization, because it has a spreading root system and because it will take -- it will take root on very poor soils, it can establish that -- some erosion control benefits pretty quickly, compared to trying to plant other trees out there that really aren't suited to the site. Or soil conditions that are either shallow or rocky, that are going to make it very difficult for other -- other tree species to take -- to take root.

The slide there, the picture there on

the right is going into a little bit about precipitation and interception of precipitation and its benefits, particularly in a case such as whether we're talking an area along a stream or creek or river or the shoreline around a lake such as Table Rock. The tree fronds will intercept the rainfall. It -- they'll act as a sponge and retain a lot of that rainfall that will then evaporate back -- evaporate back.

It will also reduce the velocity of that rain as it hits the ground versus -- versus that raindrop proceeding unimpeded and impacting on the ground where it can actually start to displace soil. The tree actually will catch that rainfall. And even once it's saturated, the through-fall will be -- will come through it at a much slower rate and not -- you don't have that -- that greater risk of soil displacement and movement from precipitation. That is something that applies to all trees, but cedar being a tree that, you know, fulfills that very well, too, and especially on sites that don't support many other tree species very well.

Another -- another aspect on the water filtration, water quality, is the duff layer,

the decaying leaves and small debris on the ground. That acts as a filter for not just the precipitation falling through the tree canopy that eventually makes it down there, but also runoff coming from adjacent sources, particularly impervious sources like parking lots, driveways, roofs, patios, anything impervious where the water's going to hit-and-run right off, it comes and it enters into that duff layer and that duff layer will slow it down.

Again, it acts like a sponge, soaks it up, reduces the speed with which it is proceeding toward the creek or the river or the lake. Also reduces the amount that's actually going into it.

So from a flood control standpoint, having riparian areas, this is something that's been pretty well -- pushed very heavily in industries, logging and whatnot, leaving wooded areas along streams and creeks to protect the water quality, recognizing the value of having -- of having trees and all the associated duff layers and canopy, intercepting rain and reducing the -- the flow of water entering into

the -- into the stream and potential erosion or other -- other runoff that may proceed unimpeded to the creek without that -- without that duff layer, without that canopy and whatnot.

And like I said, that does apply to all trees, but cedar being a tree -- and being a tree, a very common tree around here, it does fulfill those -- those many needs. Cedar is also very tolerant of salts. And you'll see a lot of times cedar on the roadsides don't react the same as some other trees that may be impacted by the use of road salts.

Also salt that naturally occurs out there in the -- in the environment, such as those saltwater -- salt marshes and whatnot. Cedar is more tolerant of those than many other trees. And cedar is also tolerant of a lot of herbicides. There are herbicides out there that will kill it, and they are -- but those herbicides will also tend to be very nonspecific, will tend to kill just about everything along with the cedar.

So in cases where herbicide use may be going on, whether it's agriculture or around homes and whatnot, those cedars still have a

chance to survive and continue if it's one of the lighter sources of herbicides, wholly refined, home herbicides, think of something like Roundup, if you are doing your weed control. That -- those kind of herbicides just aren't going to affect cedar.

The common -- most common things we think about, the benefits we think about from cedar are the -- the uses of the wood, the aromatic wood that's used for cedar chests, for -- for lining closets, for panelling. The hardwood is highly resistant to rotting. So it's been very popular for uses in wood fences, for -- for fence posts. Shavings for animal beds is another -- another popular commercial use for cedar.

(Instructs) Go to the next line.

So those are some of the benefits and uses of red cedar. There are also some challenges with eastern red cedar. One of the most common things that's brought up is flammability. And eastern red cedar, like other evergreens, along with a number of evergreen trees, pines and some other -- other broader-leaf evergreen trees, do have -- their

foliage does contain oils and resins that is -- that is flammable and it can cause it to ignite and burn more -- burn much more easily than the live foliage of a lot of hardwood trees, broadleaf hardwood trees.

It can also act -- because, as I said earlier, the cedars, especially in an open growing area will retain their lower live limbs, and with a lot of foliage on it, that foliage can act as a lighter fuel, under -- under the right conditions, and take a surface fire that's burning within a couple feet, several feet off the ground, and actually carry it up the tree, cause the tree to torch out and potentially spreading it to some other -- to additional smaller groups of trees.

So there is -- there is some flammability risks under -- under appropriate conditions that cedar can cause some problems. If you get into windy situations and you start seeing that activity happening where individual trees are torching out or groups of trees are torching out, that can also spread burning embers downwind.

Cedar can be pretty prolific on -- on

providing some embers, again, under -- under windy or under the right conditions, and then spread it, and it can then cause spread -- and cause fire to spread further down if it lands in a receptive -- an appropriate area, particularly like grasses or whatnot that can light pretty easily from a -- from a -- from an ember.

Cedar is very susceptible, particularly at a young age, to fire. This can be a detriment. It can be a good thing. That's one way to control cedar, is with -- is with fire at a younger age. But it's also susceptible, as I mentioned, when you're talking about a ladder fuel, that those small trees that have limbs down to the ground can very easily act as a ladder to get -- to carry a fire under more extreme conditions up into -- into the ground and cause the trees to torch out.

Older trees are not quite as susceptible. Even though the foliage is still the same, older trees, and particularly trees when you find cedars mixed in with hardwoods and pines, those lower limbs are starting to die off. So you don't -- so you are losing that ladder fuel effect. If they don't -- if they

don't have that live foliage down close to the ground that can -- that can catch a surface fire and carry it up, they're not as -- they're not as susceptible.

The bark is getting thicker on -- on older trees. So they're not as susceptible to -- to getting killed off by the heat of a fire as compared to a small tree. Even if the foliage doesn't torch out, it is possible that the fire can get hot enough that it actually cooks the bark there at the base of the tree and -- and kills the -- kills the tree that way.

Cedar can develop into dense thickets and create monoculture stands. And so it has some very beneficial uses for wildlife. It can also, when it -- when it starts to create a large dense thicket, a monoculture, it can be detrimental. Those -- that dense foliage will shade out all your additional younger grasses or make it more difficult for trees to become established.

In some cases, and particularly where we -- where you get into where it's moved into grasslands and pasturelands and you have grasses around it, that's -- that's the one particular

area where -- where it can really cause some problems, especially if you get into large -- get large expanses of it. It -- small thickets can provide good cover, but the larger it gets, the more monoculture it gets. And so then it becomes -- it becomes a bigger problem.

Eastern red cedar, the woody debris is very persistent. Like I said, the hardwood is -- is very rot-resistant, so it tends to stay on the landscape for a long time. You can go out there to the areas where the cedars have been cut and left. And you'll find -- years and years, you'll find the skeleton of the tree still sitting there because it just doesn't decay very quickly. You will find cedar stumps for decades in large settings. The sapwood is all rotted away, but the hardwood of that stump is still there.

And the decaying foliage can alter -- can alter the PH of the -- of the -- of the soil surface, the soil surface that it's growing in. So this -- this doesn't act as -- this doesn't necessarily restrict or keep other trees from becoming established around cedar. But it can alter that PH somewhat to where there's -- where

it's not quite as conducive to it.

This is a little different from trees like black walnut or the nonnative invasive tree of heaven that actually exudes a chemical into the soil that actually restricts trees, other trees from becoming established. Eastern red cedar just modifies -- can modify the PH a little bit, which we also do that quite frequently in agriculture or in landscaping and gardening. We're adding some lyme to it to reduce the acidity in the soil. It's somewhat similar to what -- to what eastern red cedar can do. It's a high calcium content in the -- in the needles.

It is considered an invasive plant. It has been listed by some states as an invasive tree, particularly states that have a -- that rely heavily on agriculture and grazing, such as Oklahoma, Texas, and Kansas. There are multiple papers out there on how the best way is to eradicate cedar from your -- from your pastureland, from your grazing lands.

In Missouri and Arkansas, it is not listed as an invasive species. It can still be considered invasive by individuals or by an

organization that -- that is working to do habitat restoration work such as restoring warm-season grasses or grasslands. In those cases, it can still be considered invasive to the management folks because cedar and grasslands are not a good mix. The cedar will displace the grassland; and when it displaces the grassland, it will reduce the economic viability of that pastureland; and then it costs more to eradicate it and remove it. But it's not considered -- it's not listed as an invasive in -- in many other states. It's a component of -- of many different tree types, forest types, and is associated with a number of different other species.

It's a -- as a pioneer species, it's -- it's not a -- it's not considered a climax-type tree over the long run, over the normal succession of -- of grasses and trees in an area. It starts out early and then because it doesn't compete as well, it gradually becomes a -- a -- in most, in many cases, a less dense component of the climax -- of the climax forest that may come out there, your oaks, your hickories, beech, many other species will --

will gradually take -- take over the site in normal -- in normal succession.

It can be a water hog in dry climates. That's another comment that you frequently see, especially from states like Kansas and Oklahoma where they're really pushing the grazing -- the grazing lands and the value of -- of pasturelands.

For uses such as riparian areas, along streams and creeks, along -- for shoreline use, that water hog isn't as much of a concern because one of the benefits is reducing the amount of water that gets into the river system or gets into the lake. It -- it can reduce the -- the problems -- problems caused by flooding and such, or storage capacity.

In a -- in a lake that can retain that moisture, where you have plenty of moisture otherwise, can actually be a good thing. However, noting the states that consider it invasive, they often have less rainfall, water conservation, and water use to support the grazing activities and agricultural activities. That's another reason why -- why red cedar is considered invasive in those states.

And then, like most other trees, eastern red cedar is susceptible to ice and wind damage. Being an evergreen tree, it's a little more stable with the ice damage because it has more surface area there to catch and retain and hold ice. From a snowfall standpoint, it's actually -- it actually handles a little better than -- than many pines and other evergreen trees. The very small foliage will -- will shed that snow a little easier.

But ice, because it coats, it builds, yes, it is -- it is somewhat more susceptible to ice damage than -- than a typical hardwood in the wintertime; however, all trees are susceptible to some degree or another to ice damage and to wind damage because it tends to be a shallow -- more of a shallow rooting system, it has a shallow rooting system, it is a little more susceptible to wind to where the whole tree blows over and the roots dry out. But that's not something that's unique to cedar. All trees are susceptible to that to some point. Cedar -- cedar can be a little more susceptible to it than some others.

(Instructs) Go to the next slide, the

last slide.

I just want to touch briefly on -- on some of the -- what seem to be more of the more common comments or discussions that were raised in past meetings and on comments that were -- that were submitted. Several times there would be comments in there about -- replace it with warm-season grasses. And the impression I was getting as I read some of those comments is it seemed that -- there seems to be this opinion that because cedar was seen as being so flammable, if we get rid of the cedar and replace it with warm-season grasses and the warm-season grasses will work for erosion. And we won't have fire -- won't have much fire risk. And that's really not the case.

Warm-season grasses are -- are fire dependent. They need fire in order to keep perpetuating themselves. In -- in wildland fire speak, they are a one-hour fuel. They are -- the grasses are the fastest-drying fuel type out there. And under conditions that are not as severe as it might take to eventually get a -- to get your woodland leaf litter to dry out.

When grassfires start, they can start

quick, and they can burn very intensely and very quickly. The slide there on the left is actually the start of a prescribed burn in warm-season grasses. The foreground there is actually where they put a firebreak around the -- around the area where they've mashed it down, flattened or mowed, or even maybe likely disked the -- the grasses to keep it from burning back and getting out of -- out of control.

And that's just the start of the -- of a warm-season grass burn. And these are under conditions that are -- that the burn boss believes they -- is confident they can control and keep that fire within the -- those fire lines and firebreaks.

Replacing cedar with warm-season grasses is not going to really do anything to protect against the -- the potential for fire. If anything, in my opinion, it's going to make it even worse. And then you also lose -- by taking out all those -- those -- removing those trees, you lose all those benefits of water filtration, precipitation -- intercepting precipitation, reducing velocity because now the

rainfall isn't going to be intercepting higher up. It's still going to be impacting the ground, impacting those grasses.

And you're also trusting that you can actually establish warm-season grasses on all those wide variety of sites that cedar is found on, and that's also really not the case. Warm-season grasses do take a lot of effort to get a good crop established and typically they're put in with seed drills.

The competition, the preexisting competition, the weeds and such are removed. They're either chemically killed or disked in or -- or something. A lot of that activity is just not possible on the -- on the wide variety of soil conditions you find in shorelines around Table Rock and other -- and other places. Plus, you're looking at the soil disturbance that could increase the potential for erosion while you're -- while you're trying to establish those warm-seeded grasses.

There are fantastic places to reestablish warm-season grasses because we've lost so much with the loss of fire on the landscape. But shoreline around Table Rock

really isn't the -- a good suitable place for grazing lands. I'd be interested to see the comments that might be made trying to graze on the right to the -- right to the lake.

Another -- a frequent comment was remove all red cedars within X feet of business. A hundred feet, two hundred feet, whatever, remove -- just blanket, remove them all. Again, the challenge there is cedar is -- cedar's growing out there under a wide range of conditions. Yes, there are -- there are potential -- there are dense -- some dense thickets. But there's also where cedar is just a small component of the -- of the stand.

To go in there and just do a blanket, remove them all regardless, it -- it just -- it's not -- it's not economically viable, it's just -- and it's really not necessary to just blanket remove them all, not when -- not when they are a component with -- with other trees as well.

You also -- you would also lose all -- again, all those benefits for water filtration, rainfall interception, the visual screening, the wildlife uses. That evergreen tree is being one

of the few evergreen trees that occurs naturally out there on -- in the landscape in the area, you are going to lose those benefits just by blanket removing all cedar regardless.

There are also comments about replace -- replacing the cedar with other trees. And while that in -- in theory it would -- would be a -- could be a good idea in certain cases, and again, it's going to be very challenging because of the wide range of conditions that the cedars are growing in.

Replacing other trees where the soil is very shallow and it will be very difficult to get trees -- other -- other tree species to grow where cedar will, you are taking a -- you're taking a very big gamble and a very real possibility -- possibility for failure of trying to replace those trees.

Because now not only have you lost the benefits those cedars were providing, you are -- now you're not -- you're not able to replace them with trees that either don't want to grow or will grow very slowly and will take an extended period of time to replace those values. So again, just a blanket remove all or just

replace them all isn't really a good idea. That's the type of thing that needs to be looked at on a site-by-site condition and rated and reviewed.

And then finally, there has been quite a lot, a large number of comments about the vegetation modification permits supportive of -- both supportive of the -- of the current standard or of the proposed standard of a 3-inch stump, and some concerns about maybe trying to bump that up a little bit.

I won't get into 3-inch versus 4-inch, or 3-inch versus 2-inch; but I will say, one thing is that those vegetation permits aren't -- aren't doing very well because that's potential for cedar to be a ladder. You are taking out those smaller cedars that have the potential for -- for low live foliage, you are removing that ladder fuel, so you are getting some benefit from those vegetation permits from a fire standpoint.

The potential ability for young cedars to raise that -- that wildfire potential up into the -- up into the canopy of the tress has worked out in many of trees and to branch out

into trees and groups of trees.

That's pretty much what I have. If there are any questions? Or...

MS. JAHNKE: Okay. So any questions or discussions from the committee members?

MR. BENEFIELD: I have a question. And you said you didn't want to go there, but I'm gonna make you go there. I need to know the difference between a 2-inch and a 3-inch and a 4-inch cedar, from a -- from standards standpoint. You -- it's a hard standard in the Shoreline Management Plan. It was 2 and now it's 3. What -- why do you see the difference between getting rid of a 2-inch or getting rid of a 4-inch cedar?

MR. JUDGE: The difference -- the difference as I read it is that the previous standard was a 2-inch -- 2 inches at DBH, diameter at breast height, 4 and a half feet. By going to a stump diameter, it makes it easier to determine what was actually there. There are calculations and tables that you can use to try to determine -- to determine the size of a stump relative to where the deviation was.

Making it as measured at the stump

would be easier to keep track of, and also makes it easier for the -- for the homeowner, the landowner who has the permit to tell pretty quickly, just laying a roller across it rather than trying to figure out what a 2-inch deviation is for someone who's not regularly exposed to the lingo.

MR. BENEFIELD: And I get the mechanics of it. I'm saying as far as the tree itself and the landscape. You said it's a -- what's the -- why is -- why is getting rid of a 2.9-inch tree okay and getting rid of a 3.1-inch tree bad?

MR. JUDGE: The younger -- younger trees are the trees that tend to have the foliage lower to the ground. Those -- that low foliage to the ground is that fuel that can provide the ladder to get the surface fire from the ground up. As the -- as trees -- as cedar trees get older, particularly in a mixed situation where you have cedar growing with other hardwoods, other pines, the large -- the larger trees start to shed those lower limbs so that that fire potential is being -- is being reduced, that that ladder fuel potential is being reduced.

And that's -- I'm not -- as I said before, I'm not particularly big on blanket treatments across to eradicate all cedar or go out the distance for all. In this particular case, though, setting some limit like that will target those trees that are more susceptible to causing problems at an early age versus making it a larger and larger diameter where those trees are becoming less of a -- of a potential threat for fire.

MR. BENEFIELD: What -- I'm sorry. Can I keep going? Is that all right?

MS. JAHNKE: Yep.

MR. BENEFIELD: Sorry. What's the growth rate in trees? How quick will a tree go from starting, to get to a 3-inch tree -- based on the measurement?

MR. JUDGE: It -- it can vary widely depending on the site conditions. Poor rocky -- poor rocky shallow-soil areas, that tree's going to stay small for a long time. You get on a good fertile bottom -- bottomland riparian area and those cedars can put on some pretty substantial growth.

If -- if you're going by the

(indiscernible) and whatnot, cedar typical grows from half a foot to about a foot and a half a year on a very rough -- on a rough average. That doesn't equate well to diameter. There are a lot of different things that go into how the tree grows.

If the tree has a lot of competition, like it's growing in a thicket, the trees are trying to grow, outgrow each other vertically, trying to stay in that sunlight, so your diameter may stay smaller as it's putting more effort into growing vertically. On a very poor site, that tree may not be putting a whole lot of effort into growing vertically. It doesn't have much competition, so it may actually put diameter on a little bit faster.

MR. BENEFIELD: Great presentation. Everything I'm hearing, though, it almost seems like there's no blanket anything can be applied to this situation. Everything you described was case-by-case. So if I go out to this piece of shoreline, you as a forester, you might recommend X, and if I go over here, you might recommend Y. And it's not based necessarily on a 3-inch tree, it's based on 17 other factors

that would go into play.

MR. JUDGE: In short, yes, that is possible. Now, say the vegetation permit as a blanket application does kind of cover a lot of the early -- of the concerns up to whatever the choice is, if it's 3 inches or 2 inches or whatever. But getting beyond that into these other areas that have been mentioned, like eradicating all cedars, that's something that really, depending upon the site, it's really something that is better -- in my opinion as a forester, better if they're looked at to match the response to the needs of the area.

MR. BENEFIELD: And then one other question, I guess. So based on the things that you say the cedars provide that are positive and the things they provide that are negative, what kind of person could design a replacement that keeps the good and gets rid of the bad? What kind of professional is that? That's what I mean. I'm the engineer, but I'm not the one --

MR. JUDGE: Right.

MR. BENEFIELD: -- that designed the landscape. But I don't know, who is that person?

MR. JUDGE: It's, to a large degree, what foresters do overall, was whether it's cedar or whether it's pine management, or whether it's hardwood management, oak management, you know, looking at the site and making prescriptions, you know, based on the needs of the -- of the area.

If you're talking about around the house, around the home, landscaping, certainly a landscaper probably would be a good one.

Somebody familiar with -- who is comfortable and familiar with what trees require to grow, what kind of soil conditions are more suited to one species versus another species, someone along those lines.

MR. BENEFIELD: No. That'd be -- because what I'm looking at is -- what I'm seeing is that -- and I think the -- the rule as it sits right now meets 95 percent of the cases just fine. You know, you just follow it and everything's fine. What I'm worried about is that if someone comes in and has a legitimate reason to take out a 3.1-diameter based, you know, tree, the rule says no.

I mean, the Corps doesn't have the

ability, based on what I'm seeing, unless you call it invasive, which it's not, of allowing that. They simply -- even if everyone in this room agreed that that tree needed to come out, the rule says you can't do it because you can't give a permit to cut a tree of that size.

So to me, what I'm wondering is, why isn't there a way under certain conditions to get an exemption, a waiver, I don't know what we call it, but to have someone like yourself or another forester or whoever that is, to develop a plan to come in and say, okay, yes, this can be done. We can mitigate the harm, we can get the good.

But we don't have this blanket statement that says, okay, you know -- hey, yeah, this tree is 201 feet away from the habitable structure and you can't take that tree out, right? I mean, that tree is protected because of that.

Regardless of what we might all agree, and I guess that's my concern with the rule is, those hard lines in there, it doesn't seem like it fits hard -- a scenario with hard lines.

It seems to me that you are going to

have to get a permit anyway. Why can't the permit have a provision in there that has a site-specific -- you know, something site-specific in it? Hey, even if you come back and say, hey, you can't take that out, you're gonna have to do X. And X is going to cost you a fortune. So if I'm going to spend a fortune, it seems like I should be able to spend a fortune to mitigate.

I don't want to do any harm, but it seems we ought to be able to design a system that allows for something site-specific in certain circumstances, still up to the Corp's provision. You're still issuing the permit, so you still have the ultimate say in what that permit has to say, but right now you don't have -- we've tied the Corps' hands on a 3.1-inch tree that's 201 feet away.

So that -- that was -- that's my -- I mean, everything you said seemed to agree with that because it seems like it's so site-specific. Is it a flat area, is it on a slope, is it rocky, what's the soil? So that's more of a comment for later. Sorry.

MS. JAHNKE: That's all right. So are

there other questions from either Rob or Patrick or anybody else that's in the room?

MR. HUNT: This is Rob Hunt. I agree with what Ryan was saying. It is a limiting factor there, so I appreciate those comments.

MS. JAHNKE: Okay. And I very much appreciate the presentation because it helps to frame the pros and cons of cedar trees and -- and that they -- they are here. They're part of our ecology that we have in the area. And so how do you make use of that thing that is here, naturally it's here, and -- and yet set up some guidelines? But I also understand where Ryan and Rob are coming from as well is, does it have to be so -- so stringent in all of that?

Before we listen to the next piece, could we take that ten-minute break? All right, so ten-minute break. We will start again at 10 o'clock.

(A recess was taken.)

MS. JAHNKE: Okay. The clock in the room says 10 o'clock and so we are going to go ahead and get started. Dana, do we have any other public comments at this time, anyone that's in the queue?

AT&T MODERATOR: There is nobody in the queue at this time.

MS. JAHNKE: Okay. Just wanted to double check on that. And so we're going to go to the presentation on 30 A3; is that right?

MS. COBURN: Yes.

MS. JAHNKE: All right.

MS. COBURN: So this will be a presentation clarifying the language on dock violations, and this will be from Mr. Rodney Raley.

MR. RALEY: Okay, yeah, I don't have an actual presentation, but I just want to address at the last meeting, as far as the language on dock violations. I think the question really came more of -- you asked about the community docks, if it's a violation, is it the one individual or is it the entire dock?

We went back and looked at the language, and really we believe the language is adequate the way it is, and I'll explain why. The way it's worded allows us the flexibility to either address a violation with the single owner of the dock or the entire dock in itself.

So for example, one of them is talking

about driving or unauthorized use of a vehicle. There may be a situation where one owner of the dock is driving a vehicle off the authorized roadways, driveways of residents up and down the shoreline. And if it's the one individual that's doing it, we want to address that individual.

There's also a situation, and I know of a dock, a current dock where we do a renewal inspection and the entire dock has created a route, say off of a subdivision or a public road, driving to the dock. We have required the entire dock to renew the permit to actually put up rocks and barricade the driving to the dock.

And then sometime in the future we go back out and they have removed the rocks and there's four cars at the docks, so all members of the dock are actually in violation of driving to the dock. So in a situation like that, we, you know, want the dock to be held accountable for the actions of all the owners on a situation like that.

Also, similar to that, we talked about vegetation. One individual may cut a tree or cut trees at the residence and, you know, are

unauthorized. We want to hold them accountable. There's also a situation we've had where a dock removed several trees. They wanted to keep their dock up higher, or move their dock, so they'll cut trees around the dock. So once again, that whole dock should be accountable.

So the wording, just an example, the state still restricts the use of a boat slip by barricading the slip, or dock. So it covers both an individual or the entire dock, depending on the situation. This just allows the flexibility of the scenario of what happens. So any questions?

MS. JAHNKE: Any questions from a committee member?

AT&T MODERATOR: On the phone, do you have a question or comment?

MS. COBURN: Stacy, is there a Patrick Cox? I think we might have lost him and I was wondering if he was still on the line, if you could unmute his phone line?

AT&T MODERATOR: I don't show he's dialled back in yet.

MS. COBURN: Okay. If he shows up, if you would please unmute his line, please?

AT&T MODERATOR: I sure will.

MS. COBURN: Thank you.

AT&T MODERATOR: You're welcome.

MS. COBURN: For the committee members that are here, going back, are there any questions on the presentation we just heard?

Okay. We're going to move to item number 4. We have a Corps presentation on the Commander-recommended review of a permit. This is a discussion on the Serenity Shores request for the new resort lease, and this will be presented by Mr. Rodney Raley.

MR. RALEY: Okay. Again, I don't have any slides or a formal presentation. As you are aware, the three resorts have submitted requests for a new resort, a limited motel resort lease on Table Rock Lake. The current Little Rock policy does require that any new request go out for the public, for public comment and review.

We -- a news release was submitted or put out on March 2nd and did go through April 1st of this year, just requesting any comments on the proposed resort lease. We received 58 comments. 47 were in opposition to the request, nine were in favor, and two were neutral, just

general comments, neutral comments.

The majority of the comments in opposition were really regarding safety, overcrowding and too many boats in the current cove. The area does have a limited development area, which we require for -- along with any private or community docks, we do require a limited development area for a resort dock as well, so there is a zoned area that can physically hold a dock in that location.

So with that, you heard several of the call-ins today. But we just wanted to -- we've had discussions on the dock and you know, after much -- after several discussions with several of us, we thought that we really would like to submit it to the oversight committee and get some input, so we appreciate your input.

MS. JAHNKE: So I have a question. Of the -- the public comments you just mentioned, the 37 in opposition, nine in favor, two neutral, were those part of the comments that we received or is that something entirely separate? And maybe they were there and I just didn't click on that link? And I'm just trying to understand where they were or if -- if we've

seen them.

MS. COBURN: Yes, the -- all 58 comments that were submitted were posted to the Web site.

MS. JAHNKE: Okay. And they were labeled under the Serenity piece -- link?

MS. COBURN: Yes.

MS. JAHNKE: Okay. Got it. All right. Thank you.

MR. COX: Can you guys hear me?

MS. JAHNKE: Yes, we can.

MR. COX: Can I ask Rodney a question?

MS. JAHNKE: Please.

MR. COX: So I got cut off, so I think I missed the first part of what he said, talking about Serenity; is that correct?

MR. RALEY: Yes.

MR. COX: Now, explain what they're currently allowed to do, a 20-foot dock; is that right?

MR. RALEY: Yes, I mean, they are required to put in, at the current time, a 12-to-20 slip maximum, 40-slip dock. The same number of slips as our Shoreline Management Plan.

MR. COX: So essentially, as we sit today, we can just know or realize there's going to be potentially a 20-slip dock in this location that folks are concerned about; is that right?.

MR. RALEY: Correct.

MR. COX: And then the pattern will be similar or essentially a community dock where they're individually-owned slips; is that right?

MR. RALEY: No. What they're proposing is a resort dock, which the slips can only be used by the overnight guests of that resort.

MR. COX: And if that is not approved, then it will become a 20-foot dock for owners?

MR. RALEY: Yeah. If -- yes. If the resort dock is not approved, they -- there is a potential, if they want to put in a request for a up to 20-stall community dock, yeah, they have that option.

MR. COX: And where this is now with plans here, that's essentially the reality. So what I'm trying to do is move past the fact there's going to be a boat dock there. That's assured. So now we're talking about a use path and concerns related to that.

Now, maybe provide some more color on what is a resort dock and what types of activities can be done on that dock? Would they be allowed to have a -- store and fuelling?

MS. SHORTT: Currently for resort docks, as long as it does not have more than 100 overnight units, the dock can only have boat moorage and a small storage area. It's only the resorts that are --

MR. COX: Okay.

MS. SHORTT: -- greater than 100 overnight units that can have fuel sales or sundry items for sale.

MR. COX: Okay. That's what I recall. So we're not talking about a chateau marina setup which we operate, we're just talking about a 20-foot boat dock that looks and feels just like the 20-foot boat dock that's going to go in anyway. So now we're concerned about the use pattern of an overnight guest perhaps bringing a boat down versus someone that keeps their boat there permanently. Did that get to the heart of it?

MR. RALEY: Yes, I believe you're correct. And along with the requirements of the

resort is, you know, basically, they're allowed a footpath and a dock. You know, there's no parking or amenities or anything on public land. It mirrors a community dock, you know, that you would see out there.

MR. COX: Okay. So I have to say that those comments against, and again, they're predominantly focused on the fact that there's going to be a dock in that location. So I think we need to look beyond that because that's going to happen. We need to make a recommendation based on are we recommending that it takes off on the use pattern consistent with the proposed development, or is it going to be privately-owned 20-foot slips, which, you know, have the same density but might have a different use pattern. Am I -- is that correct?

MS. THOMAS: That's what I understand also, Pat. I read the comments and I think many of them were under the assumption that there would -- could never be a dock there, if they opposed this particular request, that that would do away with the possibility of ever having a dock there. But when I looked at the -- at the map and I became familiar with this property a

few years ago when someone was interested in buying it, not this particular person, I knew that there was LDA there, so the dock possibility is very real.

I mean, no matter what the use of the property is versus the -- it could be single-family homes, it could be whatever. There's a possibility that there's going to be a dock there, a good possibility at some point. So I think the commenters, some of them may not have understood that that was a real possibility, and they thought that if they just said no to this, that that would eliminate that possibility and that's just not the case. So -- because the LDA's there, it's already there.

Yeah, Ryan?

MR. BENEFIELD: So the process is you can put a dock in for private use without this permit, but do you need to get a permit because it's commercial?

MR. RALEY: Yeah, well, it's two different -- you know, the private community docks, the process is different, yes. You do not have to go out to public comment for a private community dock. The resort policy does

require the public comment period. So to answer your question, if somebody wanted to put a 12-foot, 20-stall dock that approaches a private community dock, you know, we would go through the normal inspection process and approval process in-house. But this one does require to go out to public.

MR. BENEFIELD: And this permit that you are proposing that you put out, it meets all the requirements, right? It meets every distance for the -- between the docks, it meets all the requirements?

MR. RALEY: Yes. There was an inspection just to look at the physical aspects of the dock, the spacing of where the dock, the cove width, the slope, everything, and so it does meet the criteria physically for a dock.

MR. BENEFIELD: Okay.

MR. COX: Mm-hmm. And, Rod, so let's say a 20-foot dock goes in, would that be the -- it won't be able to be expanded? What -- what determines the size of the dock? I'm sure it has to do with space and the number of lodging units. Could you comment on that?

MR. RALEY: Yeah, well, 20 slips -- and

again, our current S&P -- and I believe the proposed 20 slips is still the maximum number. That's even though it's a resort dock, the sizing, the size needs to mirror the Shoreline Management Plan. So yeah, 20 would be the maximum number.

MR. COX: Okay. That makes sense. And what the resort designation allows property owners to do is to accommodate folks that are wanting to keep their boat overnight and such, as opposed to just having one boat in one slip permanently?

MR. RALEY: Correct. It allows -- like I said, there's a limited -- it would be a limited motel resort lease, and that would allow them to, you know, along with a unit, a cabin or such that's a rental, would allow them to, you know, utilize the dock for their overnight guests.

MR. COX: So the potential for boat rentals out of this 20-slip dock, if it's approved as a resort designation?

MS. SHORTT: If it's approved as a resort dock, they can have boat rentals for their overnight guests at the resort. So you

would have to rent a room at the resort to rent one of their boats, and those boats could be moored in the boat slips.

MR. COX: Is there any ratio or mechanism that determines how many rental units, boat rental units, can be stored and utilized at that boat dock?

MS. SHORTT: No. That's something that's left up to the resort owner to make a determination on what best fits their business model as far as determining how many slips they want to use for housing the rental boats versus how many slips they want to keep for their guests to bring their own boats. It's a business decision that they have to make.

The ratios that come into play is they could set aside up to -- I'm trying to remember the exact number, but there's a certain ratio of slips that they can set aside to be courtesy slips. So people boating on the lake, if they wanted to come up and go to the resort store that is on private property, they could use those courtesy slips to do that.

MR. COX: Right.

MS. SHORTT: And then there's a limit

on the number of slips based on the number of overnight units that are on private property. They can only have one and one quarter slip per overnight unit, plus two slips for the owner's use, however, and in this boat dock they'd be limited by the maximum number of slips that's allowed in one boat dock, which is 20.

MR. COX: Right. So 20 is the maximum under any scenario via the courtesy slips, overnight slip, or rental slip.

I can see a scenario based on the comments where it did have, you know, 20 wave runners or 20 ski boats rented out of one dock at the back of the cove that -- that creates density and activity to be detrimental, but that could be addressed with some middle ground there. How many units are they planning to build on the property? Is it about 10 or 12 cabins, large cabins?

MR. RALEY: I believe it was around 20.

MR. COX: Correct. That's something the Committee should think about in terms of, you know, recommending a resort designation that allocates 50 percent of the slips -- what 50 percent of the slips to rental activity will

have, boat rental activity, I mean.

MS. THOMAS: But by the same token, you could have a 20-slip community dock; and everybody could be using their boats at the same time. I mean --

MR. COX: For sure. Absolutely.

MS. THOMAS: -- it's not going to -- it's the same thing -- it's the same thing. And what most resorts will do is designate a, you know, a few slips for rentals, but they'll leave the majority open for people to bring their boats because if people called to rent a room and they can't bring their boat because all the slips are taken up by rentals, then they're not going to rent a room there.

MR. COX: Right.

MS. THOMAS: So they -- that's what they will normally do. They will have a small fleet. Maybe in a 20-slip dock, I would say they will have two or three rentals, probably. And the rest will be for --

MR. COX: Yeah, not having, right, not having the fuelling service --

MS. THOMAS: Right.

MR. COX: -- so past that, it would

probably be prohibited to have a rental fleet of that size anyway.

MS. THOMAS: Yeah.

MR. COX: But, you know, being in the rental business, you have 80-plus rental boats, I can tell you that the rental boat activity is busier than a couple of docks with owners in it. So we felt like we needed that aspect that the concerns have been brought out about, just in terms of it could be part of a recommendation. And what comes to mind with something like this, 50 percent because that's essentially, you know, pontoon boats, where there could be large units they're going to build at least initially.

It could probably handle a lot of their needs and still have the overnight slips available too. As an owner, I would think it would be having that kind of allocation anyway in a business plan. So this wouldn't be -- it seems like a natural middle point to me. And that would then address those concerns about, I don't know, that kind of traffic.

MS. JAHNKE: Are there any other questions or comments related to this presentation? All right.

MS. COBURN: We have one commenter in the queue.

MS. JAHNKE: Okay, great.

AT&T MODERATOR: One moment.

CALLER: Hi, my name is Connie Faria (ph.). And I'm the wife of the developer, Steve Faria. We are asking that our boat dock be approved for resort zoning because without it, we may not be able to continue with our project. We build only high-quality, luxury resorts that look great from the water.

Our plan on this particular piece of property is to build only 20 homes on. One-acre lots to preserve the beauty and natural surrounding at Table Rock Lake. We are going to have as many trees as allowed to complete our Project.

Our concept is unique as we build only individual homes in a resort community. We found that during the current crisis, our customers need our resort to escape and recoup. Our customers feel safe and at home when they visit our resorts. We also will be adding thousands of tax dollars to the area businesses.

When our customers come to the lake,

they don't just stay at the lake, they visit Branson and Silver Dollar City.

Along with the added tax dollars, we will be adding jobs for the community seeking jobs.

We have already received approval from the Corps for a dock. As you previously discussed, there will be a dock resort or community. A community dock will be used much more than our proposed resort dock. We plan on having only three boat rentals to address that concern you were just discussing as well. All of our other resorts only have three to four boat rentals.

MS. COBURN: Ma'am, you have 30 seconds remaining.

CALLER: Okay. The new dock would also essentially cut off any opportunity from potential speeders since there will be a no-wake area within 100 feet of this new dock. We have done all of the requests the Corps has asked of us including proper zoning, site inspection, public announcement, archeological setting survey, and more.

We respectfully ask that you will

approve the resort dock zoning request.
Thank you.

MS. JAHNKE: Thank you. So Dana, you're going to have to help me with this piece because I know this is the third of four meetings, right?

MS. COBURN: Yes, ma'am.

MS. JAHNKE: And so today, one of our tasks as a committee is to begin to draft any recommendations that we might have so that at meeting four we finalize it. Is that right?

MS. COBURN: I --

MS. JAHNKE: When we finalize things, I mean, we have to have a final copy today.

MS. COBURN: A final copy today. Any recommendations you may have need to be presented today.

MS. JAHNKE: Okay.

MS. COBURN: Meeting four will be where we come back and have a final presentation back to the committee and back to the public on what recommendations we accepted, and what recommendations were not accepted, and the why they weren't accepted.

MS. JAHNKE: Okay. All right. All

right. So -- so our first --

MS. COBURN: I have one more thing to add.

MS. JAHNKE: Go for it.

MS. COBURN: And I apologize. This is kind of a work in progress. We have allotted three hours for public comments.

MS. JAHNKE: Okay.

MS. COBURN: So before we actually start getting into the committee discussions and recommendations, the three hours would be officially up by 11:00.

MS. JAHNKE: Okay.

MS. COBURN: I'm asking the committee what they would like to do, if they would like to wait. If there are any more public comments to be made, there is nobody in the queue right now. Or if you would like to continue moving on with your discussions and recommendations?

MS. JAHNKE: Well, committee members, tell me what you'd like.

MR. BENEFIELD: I guess I -- and I'm not one to delay, but I'd like to get all the public comments before we start discussions, because I don't want the comments to then be

feeding off our discussion back and forth. I'd rather, if there's public comments, wait until it's done.

MS. JAHNKE: Absolutely.

MR. BENEFIELD: And then I have a process question to ask in a second.

MS. JAHNKE: Okay. Ask the process question.

MR. BENEFIELD: So my understanding of the Serenity thing is, that's completely separate. That's a separate re- -- that's not part of our Shoreline Management Plan recommendation. So that's a recommendation based on the permit application. We should -- we can -- we should handle that separate, is my understanding.

MS. COBURN: The -- yes, the Committee can review any permit to be issued under the provisions of the existing Master Plan and Shoreline Management Plan, and that would be item number 7.

MR. BENEFIELD: So -- so with that in mind, we don't need to hold up any kind of anything until September, right? We need to give you a -- we need to give you a

recommendation today that's final on the Serenity thing if we can, if we want to, and then we move past that issue. That way, you can do whatever you're going to do with that permit?

MS. COBURN: Correct. We are looking for final recommendations on this permit, on the Master Plan and the Shoreline Management Plan and the associated documents like the environmental assessments.

MR. BENEFIELD: On the -- sorry. On the Shoreline Management Plan, I thought what we were going to do is we have recommendations today, but we won't have a chance to have them written up and put back in front of us today. We could -- I mean, I can sit there and tell you my recommendation on cedar trees, but it's not a -- everyone won't have a chance to see it in a written document. That's what I thought meeting four would do, is that in meeting four, we would actually have that. We would make the decisions today, but meeting four is when we would have them put back in front of us to make that decision, to finalize it.

MS. COBURN: Yeah, um --

MR. BENEFIELD: Still just meeting

four.

MS. COBURN: Meeting -- meeting three we are -- again, we are looking for the final recommendations. As a committee you can make the recommendation that we have another meeting to do this. That is the committee's discretion.

MS. THOMAS: I just want to -- I want to echo a little bit about what Ryan is mentioning. So the process would be, then, if we finalized recommendations today, we would come back to meeting four and we would hear at the same time as the general public what the recommendations are, but yet we're sitting in a committee meeting where they are allowed to interact? Is that what this is gonna look like, the general public?

MS. COBURN: Can you repeat the question?

MS. THOMAS: So -- so meeting four, we would come to the meeting. Will there be public comment?

MS. COBURN: (Nods.)

MS. THOMAS: And then you would present this, and we're sitting with -- going what -- we don't -- we heard this the same time you did,

public -- general public?

MS. COBURN: So meeting four, after today, there are no further public comments.

MS. THOMAS: Okay.

MS. COBURN: Neither written or verbal. Today ends public comments.

MS. THOMAS: So if we make recommendations, they come back to us and you come back to us in meeting four and say, this is our final plan, there's no opportunity for us then to affect any other decision? We're done?

MS. COBURN: Correct.

MS. THOMAS: Okay.

MS. COBURN: Which I had said earlier, when you do move to make a recommendation, I would highly suggest using something very formal in structure like the Robert's Rules of Order. Somebody makes a motion, somebody seconds, and you take a vote as a committee.

MS. JAHNKE: Okay. And Ryan --

MR. COX: Dana.

MS. JAHNKE: -- I had the same perception as you had. So Rob or Patrick, do you have a comment?

MR. COX: I have a question for Dana.

Can I go ahead?

MS. COBURN: Yes, sir.

MR. COX: So when we're talking about the scope of all of our recommendations, were we including the carrying capacity study? Are we confirming what that is gonna look like? Is that correct?

MS. COBURN: Yes, sir.

MR. COX: Okay.

MS. COBURN: Anything that has been brought up, discussed, public comments from -- essentially from November of last year, 2019 to today can be brought up for recommendation and voted upon by the committee.

MR. COX: So we might go through the committee, just a quick list, I don't know how that gets handled in a timely fashion. Not that we have, you know, any recommendations, but just sort of confirming okay, we remember the carrying capacity study, we reviewed it again today but maybe not have really had, you know, we -- the comments there, let's move on. We need to get through an organized list because we don't want anything to slip through the cracks and then not have an opportunity to address it

later.

MS. JAHNKE: So I --

MR. COX: Does that make sense?

MS. JAHNKE: Yes, Patrick, yeah, that makes a lot of sense. I -- I made a list based on our -- our first two meetings as well as -- and I did not go back to the earliest comments. But I did log comments from February through the July. And one of the things I could do during the break is to try to put them into better buckets because right now they're just kind of random notes, but I needed that to help me put some -- some structure around it.

So I can spend the next 25 minutes working on that, so that at least we have a good list of what are the topics and know that my list -- if I miss something, committee members, please, please don't forget to add to my list. But I would be happy to work on that while we're waiting for further public comment.

MS. COBURN: We actually do have one in the queue.

MS. JAHNKE: Okay. Let's do it.

MR. RALEY: Thank you ,Tammy. That sounds really helpful. I'm in the same boat,

I'm still trying to process what's going on today also. But I think that would be super helpful to guide our conversations for developing a formal recommendation without being able to look at them.

AT&T MODERATOR: Okay, we'll go to Booker Cox, go ahead.

CALLER: Thank you for your time. Number one, I want to thank the committee Members for their selfless actions over the last several months and their time and their energy and their effort. It's really appreciated by all of us who live around Table Rock Lake.

I'm calling in favor of Serenity Shores' new dock. One more dock would effectively shut down, put that cove into a no-wake zone, so it shouldn't increase traffic; and there's already another resort dock that's within 300 feet of where this dock would be. And I've not heard any complaints over that dock. I've lived here for 52 years.

So anyway, I'm in favor of it, and I hope you guys vote the same. Again, thank you for your time.

MS. COBURN: Okay. So I have the time

as 10:37. I'm hearing that the committee would like to wait until 11:00 to close the comments. We will hold on the line until there is somebody in the queue. Otherwise, there will be no discussions right now up until 11:00, and then we will move forward with item number 5 at 11:00.

MS. JAHNKE: Agreed.

MR. COX: I second that motion. So to our committee members, a real helpful PowerPoint is in -- or available online. This goes back to the November of 19, shoreline zoning dock and zoning, dock facilities. The alternative that's well presented is that it's best to kind of sort of return it to going through every aspect and action, and it seems there that the preferred plan, which I assume that's where the Corps currently stands, a neutral change, and we're essentially confirming that if we don't have any specific recommendation. So that would be a good place to start in addition to these one-off requests and such.

Dana, do you think that's a good idea? I mean, there's a lot of things in there that we probably need to talk about. But at least by

going through that real quick, I think we'll avoid over -- missing something.

MS. BURTON: I would agree.

MR. COX: Okay.

MS. COBURN: Okay. Committee Members, we had a quick meeting just now. We understand that there was maybe some confusion, and we want to provide a little bit of clarification. If there is an additional meeting that is needed for further discussion and to make recommendations, we can have our September meeting as a meeting to do that, and then add on a fifth meeting for a final presentation.

But I need to have that made as a recommendation from the committee so that we can move forward on that.

MS. JAHNKE: Okay. And the two of us, two -- two committee members not being present, not that they're not participating, that might be good. But Ryan, do you want to weigh in?

MR. BENEFIELD: Yeah, I mean, my view is, the question is what we can and can't do at the fourth meeting. If the fourth meeting is only going to hear back from the Corps, then sadly, I think we need a fifth meeting. Because

what I'd like to do is I don't want to -- I'd like to provide our recommendations in a written form in a very distinct way, you know, not -- not generalized. Just, hey, we think this ought to be changed in this way, if we have anything to -- to recommend.

I think the tough part is either we either sit here today and we type them all out in a document and we e-mail them to Pat and Rob. Either -- then that would be the process, and since I didn't get a hotel for tonight, even though I was advised to, that might be a long night.

But you know, that would be the two options. Either we sit here -- because I don't want to -- I want to have time. But my thought is, if we have the next meeting, my hope would be is we all agree as a committee, nothing new gets brought up. I mean, nothing new.

I mean, if we don't -- if we don't talk about it today, that we want a recommendation on this area and we wordsmith it next meeting, that would be my request to the committee, is we don't all of a sudden bring up -- because we've heard things today in public comment that we had

never heard before.

MS. THOMAS: Right.

MR. BENEFIELD: And so we don't -- and I know we're not going to take public comment, but that would be my preference.

MR. COX: Let me ask Dana, could we not have a committee working meeting where we sit down and we go down through this -- you know, this formal alternative document and we go through all these specific requests and do it as a committee in an organized fashion, reach our conclusions and submit that to the Corps? Would that be the way to do this?

MS. COBURN: As a Federal Advisory Committee Act committee, there are rules and regulations and part of that is it has to be public. It has to be transparent and available to be observed by the public, whatever discussions that you may have.

MR. COX: Yeah. We can livestream it, no problem. I can set that up, in fact.

MS. BURTON: If that is --

MR. COX: Everything can be heard and seen. But we can sit across the table and it bounces back and forth to get a consensus. So

could that be the shape of a meeting, the next meeting?

MS. RAY: This is Deanna, and I'm the legal representative for the Corps. FACA guidelines are very strict and they dictate very clearly how we have to have these meetings. So any meeting that you have, regardless of what you are doing, whether it's a working meeting, where you're actually typing out recommendations or discussing recommendations or building on recommendations, it has to be in the format we have right now.

You know, if the public calls in, you know, they just have to be able to hear what you're saying. They have to be able to know what you're doing. And if you produce any documents as a result of the meeting, those would then be put on the Web site right after the meeting.

MR. COX: Okay.

MS. RAY: So we the Corps would need to host any meeting, because this is a FACA committee -- a FACA committee that is tied to our agency.

MS. THOMAS: So we're not required to

have public comment at every meeting?

MS. RAY: No. No, you're not. So I think, to be clear, what we as staff discussed is that there would be no more public comment. Regardless of what you decide to do about adding a meeting, there will be no more public comment. The public comment is done. Any additional meeting will be for the purpose of the committee to make recommendations and decisions.

MS. JAHNKE: Any other thoughts from the committee member perspective?

MR. HUNT: Yes. This is Rob Hunt. I have a couple thoughts. One, you know, Pat, I'm with you. I think it's easier to sit across the table and work together, but realistically, we may just need to figure out how to do this remotely regardless in case someone can't show up because I don't think we're out of the woods anytime soon. And it's just getting us all in the same room at the same time, it's just not going to get any easier, I don't think.

But my -- I think one issue I struggle with is the space between these meetings. But my question would be, could we get them in before the September meeting and still leave the

September meeting as the final, if you can do one in August. Is that held up by publication timeframes and stuff? I just hate to wait until September and then try to talk about all of this again and -- and then meet again in like, I don't know, in November or whatever.

MS. COBURN: Okay. To address that question, any meeting that we do have, the notice has to be published in the federal register. And it has to be done 15 days prior. So we could, if you guys decided to do another meeting here quickly. I just, I need to know when you would like to do that, when you're all available. If you would like to do that in August, I would still need to know now to start getting that notice written and then published, and it's a little bit of an ordeal to get it published because there's a lot of people that need to review it and approve it. It actually goes to Washington, D.C. So.

MR. HUNT: Well, in that case, then, with that recommendation to you guys in some -- in mid August, would that give you enough time to do what you need to do before the September meeting, or is that not even realistic?

MS. COBURN: Yeah, I think that's realistic. We would just need to know probably today if that's what you would like to do.

MR. COX: Another helpful clarification would be, let's say we make three or four very specific recommendations. And then there's three or four, you know, things that we can recommend that maybe not fully flushed out. What's that process look like from the Corps' standpoint? Do you need that -- the full detail or are you going to just take sort of the topic and a recommendation and then kind of form the solution and present that back to us?

MS. COBURN: Okay. If I understand your question, Pat --

MR. COX: I mean, is it a take-it-or-leave-it thing? No. I might have a recommendation that would create, you know, a structure, a protection buffer from, you know, a new permitting process and it includes certain distance from a structure, a certain density of trees. If that's again totality, take it or leave it, or the Corps goes back with that and say, you know, we can agree to that, but this is one thing we'd like to change. Is that what

happens in meeting four?

MS. COBURN: I think, yes, and I think the more detailed recommendation you can give to the Corps, the better it would be for everybody.

MR. COX: Okay.

MS. COBURN: And, Rob, to go back to your question, I apologize, I was trying to have too many conversations at once. You were asking if we were to have a meeting in August, to turn around and have another meeting in September, would that allow for enough time for us to get done what needs to be done.

To be very honest, that is a very aggressive schedule and I think we would probably, if we had a meeting in August, we would need to allow for more time and we would not be able to have that meeting at the end of September. It would more likely be October, possibly early November.

MR. HUNT: Okay. That's -- that's what I'm asking and that's kind of what I wondered. So I'm happy to retract my recommendation to try to cram in another meeting because it doesn't seem like it would be that useful. It would just cause the scheduling of three brand-new

meetings, or two brand-new meetings.

MR. BENEFIELD: Take me through what the fourth meeting -- what's the agenda for the fourth meeting? Would it be -- what would have been our fourth meeting, which may be our fifth meeting? How -- how does that look? What happens?

MS. BURTON: Okay. So if I understand your question, so if -- in theory, if we were to start the discussion today, the committee were to start the discussions today but not be able to finish recommendations, the fourth meeting would be a continuation of more discussions and finalizing all the recommendations. And then that fifth meeting would be we're presenting -- the Corps is coming back, presenting a final Shoreline Management Plan, a final Master Plan, a final review of the Serenity Shores permit.

MS. JAHNKE: But that interim meeting or that continuation of today's meeting, if we had one, could potentially be pretty short especially if we follow Ryan's guidelines and say, "nothing new." So -- so we try to outline everything today and we get as specific as we possibly can, but maybe we still have a few

questions that any one of us want to dig on, that second meeting or a follow-up meeting would not have to be for very long. Right?

MR. BENEFIELD: I agree. I actually think the fifth meeting is the shortest. I mean, there's no public comment at the fifth meeting. And we don't really have a say after the fifth meeting. They're telling us whether they liked or they agreed with what we said or didn't, and then we leave, right? Our job's done. I mean, I'm not saying that in a bad way. I'm just saying that's the process we have. So really, just as long as it takes to say our two or ten recommendations, we did it or didn't do it, go home.

MS. BURTON: Yeah. And we would provide the -- if we didn't accept the recommendations and why.

MR. BENEFIELD: Yes, yeah.

MS. JAHNKE: So -- so if we had an additional meeting, both of the next two meetings could be very short.

MS. COBURN: Potentially.

MS. JAHNKE: Potentially.

MS. COBURN: And again, just to

reiterate, there would be no public comment after today.

MS. JAHNKE: After today, right. So -- so here's what I would recommend is, committee members, let's -- let's see where we're at. Maybe, you know, use the next hour to go through our list because we are done with public comment right now, right? Okay. We're after 11 o'clock. All right. So I just heard an echo.

And -- and let's go through and see where we're at and maybe even then take our break for lunch, come back. And I know you need a decision before we leave today, but I still think, let's see where we're at at 1:30 or 2 o'clock, and if we're gonna get done today and we can -- and we're all comfortable with what we've written, then we don't need that extra meeting. But if we're struggling, and I just don't know where we're gonna be, then we can decide to do that. Dana, is that all right?

MS. COBURN: That's good. You have until 5 o'clock today.

MS. JAHNKE: Yes. No pressure --

MS. COBURN: I'm not -- I'm just saying the meeting today is scheduled from 8:00 to

5:00. So...

MS. THOMAS: We have ethics.

MS. BURTON: And, yes, we have ethics afterwards.

MS. JAHNKE: Right. Right. Okay, so we're done?

MS. BURTON: Yes.

MS. JAHNKE: We don't have infinite time. But I don't think we have to make this decision right now. And if things flow and we seem to be able to figure out what to do next, great.

So my -- I think it's a top-10 list of -- of topics and they -- they -- you know, they're -- they're in a variety of places. So I'm not gonna try to say that, number one, we need something on each one of these things, but they've definitely been things that we've read about in the public comments or we've heard presentations about.

So -- so the first one is carrying capacity of the lake. We've heard a presentation. There are a number of public comments about that. There's -- there may be something that we need to say or recommend about

that. Solar power for the docks and the revision in that policy, and we've heard comments about what -- you know, pros and cons of all of that. The commercial remote service dock program. And we heard more today. So there's -- there's probably another piece that needs some -- some comments.

There were a number of public comments about new private boat slips and -- and numbers of them in LDA areas. And I'm not sure where that kind of fits in, but I put it on my list. There's issues with the no-wake buoys and that may be something that came up last time as well.

Some things that -- or one thing that hasn't come up, at least in our discussion, but I saw it three times in the comments was a size limit to vessels. And these people recommended less than 42 feet. Don't know much about that.

Vegetation permanent guidelines and cedar trees are clearly on our list. One of the things that a number of people have talked about and we've even talked about is how -- how we might make recommendations for better communication between the Corps and the public.

There were in the -- since we last met,

there were at least 15 public comments from different people that said, no more boats, no more docks. And I think that's related to the carrying capacity, but there was a lot of that. And then there were a few rezoning requests as well. So that was my top-10 list. But -- but committee members, you know, you are all here listening and doing all of this too. What -- which areas have you -- you know, what did I miss?

MS. THOMAS: All the things that I had on my list are included in your list.

MS. JAHNKE: Okay. Good.

MS. THOMAS: I think that covers it. I do think that we'll be able to quickly eliminate some of these from discussion just by hearing from Corps staff in -- in just a minute.

MS. JAHNKE: Okay. Ryan, did you have anything else? Oh, TwTwilia.

MS. HARRISON: I just -- I know one time in the beginning we spoke about what we were going to propose, that we would come up with a way to help fund it all, or a suggestion, and that wasn't discussed anymore.

MS. JAHNKE: Thank you, Twilia. Ryan,

anything?

MR. BENEFIELD: I think that covers everything I had on my list. I have a question, but it's to make sure when we get into discussion with the Corps staff. Just to make sure it's covered under one of them.

MS. JAHNKE: Absolutely.

Rob, is there -- did I miss anything on your list?

MR. HUNT: I don't think I have anything. I have a note, I'm looking at the dock lengths into the cove. I think that might have been something that Pat was talking about. Does that ring a bell for anyone?

MS. JAHNKE: Rob, we're not hearing you clearly. So you're asking about docks in coves?

MR. HUNT: Sorry. I turned off my earbud to get it to work better. Can you hear me better now?

MS. JAHNKE: Yes.

MR. HUNT: Okay. I had a note that we wanted to look at including the variance to the one-third rule for dock lengths into a cove, especially with smaller docks in people's coves. Is this familiar to anyone?

MS. JAHNKE: Yes, I do remember that.

MR. HUNT: And I have another note with that. It's Title 36, 327.30. And then on the communication thing, a couple specific bullets I included was looking at e-mail communication with landowners and making public rules more easily accessible.

MS. JAHNKE: Good. Because those could fit under just general communication, but be some specific sorts of things. Thank you.

MR. HUNT: Sure, sure. And I think -- I think that's it for me.

MS. JAHNKE: Okay. Patrick, what's missing from our list so far? Is Patrick there?

MS. COBURN: He's there.

MS. JAHNKE: Okay.

MS. HARRISON: If he doesn't answer right away, can we ask if they know of anything that we might have missed?

MS. JAHNKE: Yeah. Corps staff, anything that you thought should have been on our list?

MR. COX: Oh, I'm sorry. I was on mute. Can you guys hear me now?

MS. JAHNKE: Oh, great. We'd love to

hear your comments.

MR. COX: I can hear you're talking. That is hilarious. All right. Can I give you my list?

MS. JAHNKE: Please do.

MR. COX: Can you guys hear me?

MS. JAHNKE: Yes.

MR. COX: Okay. I'm sorry. I was literally just talking to the phone -- okay. So I'm just going to go down this bullet point. We've talked about the one-third rule, which we should address. That's the space in the boat docks.

The next is courtesy docks and marina buffer. Under their recommended alternative, that would be eliminated. We need to talk about the ramifications of that.

The next item is the fees associated with private slips.

And the next point is requirements to register or document with the Corps the actual boat that is in the private slip.

The next item you can call, for a lack of a better name, structure protection buffer.

The next item, again, maybe not the

right name, youth camp shoreline access permit.

MS. HARRISON: I didn't hear him, what did he say?

MS. JAHNKE: Would you repeat that one?

MR. COX: Youth camp shoreline access permit.

MS. JAHNKE: Okay. Thank you.

MR. COX: And moving to the next you mentioned, we should discuss that.

Serenity Shores. While it's one of those one-off recommendations, but we're tasked to do that.

We have remote docks on there already, correct?

MS. JAHNKE: Yes.

MR. COX: Okay. That's it for me. Thank you.

MS. JAHNKE: Awesome, awesome. Okay. So we have a list and we just knock it out and see what happens here, and see if we can get language that we're comfortable with and can agree on and then kind of go from there.

MS. THOMAS: Can I ask a quick process question?

MS. JAHNKE: Absolutely.

MS. THOMAS: Could we -- is it possible to discuss kind of these, more of what Pat called one-off kind of thing? Can we go and make those recommendations, like by vote today? And remove that from our list of discussion for next time, if we decide to go that way? I mean, can we get done with that?

MS. JAHNKE: Well, I think we can --

MS. THOMAS: Can we --

MS. JAHNKE: Yes. Anything that we come to a consensus on today in terms of language of any particular recommendation, I say we vote and be done with it. If we can. If -- if there's still questions and -- and we want to sit on it for whatever reason, then -- then we can choose do that. But if there's some easy things that we -- and I don't know that I'll call anything easy, but absolutely I would be -- as chair of the committee, I'm okay with voting on things and getting them off our list.

MS. HARRISON: That's Serenity Shores right? I mean, that's the only one thing.

MS. THOMAS: Yeah, Pat mentioned youth camp for shoreline access. I don't know if he was referring to the comment from today, but

I'll let him discuss that if that's what he wanted to do, but I just was thinking if there's things that are -- that were just specific requests that we can say, yeah, we recommend this, then let's take that off our list.

MS. BURTON: Yes.

MS. THOMAS: Do it and take it off our list.

MS. COBURN: Yes, I would say that this separate request to review this separate permit, if you -- if the committee would like to make a recommendation and vote, yes.

MS. THOMAS: Okay. Thank you.

MS. JAHNKE: So -- so I'm gonna, Dana, I'm gonna ask you another question. The specific language that we choose today, is that all -- I know our recorder and I know we're recording all of this. Does that need to go into our official meeting minutes? And so that's -- that's where we're trying to get the language right, right?

MS. COBURN: Yes.

MS. JAHNKE: Okay. So Sheila, it's all up to you.

MS. THOMAS: Yay.

MS. JAHNKE: Okay. Just wanted to verify that -- that each one of these things needed to go into the minutes. All right. So is there a particular easy one that someone would like to make a recommendation on? Or --

MR. COX: Sure.

MS. JAHNKE: Okay.

MR. COX: I'll kick it off.

MS. JAHNKE: Patrick, I'm gonna -- I'm gonna give you one, yes.

MR. COX: I'd like to make a recommendation to the committee that we approve Serenity Shores' request for a hotel/motel dock, 20-slip dock, with the stipulation that one half of the slips, not to exceed one half of the slips, to accommodate watercraft rental.

That's the end of the motion. Do I have a second?

MR. BENEFIELD: I can second.

MS. JAHNKE: Okay. Let's -- let's give Sheila a chance to write this down and I'm gonna ask her to read it back to all of us so that we're comfortable with language. And Corps staff, if you could make sure we've -- we've written, or whatever words we need are

appropriate.

Hang on. Patrick, we're waiting for some Corps guidance. We'll get right -- we'll get right on it.

MS. RAY: Okay. I just wanted to make sure that the committee and the public is clear about the language that is used. These are recommendations to the Commander. So in the instance of this particular permit, the Serenity Shores permit, the recommendation could be worded as "the committee recommends that the Commander approve." Now, the committee itself does not have the authority to approve or deny a permit.

MR. COX: Correct.

MS. RAY: So I didn't want anybody to walk away from this committee, either the members or the public, believing that this vote was approving a permit, because that authority doesn't rest with the committee.

MS. THOMAS: Thank you.

MS. JAHNKE: Thank you.

MS. RAY: That's --

MR. COX: Yeah, absolutely. That's good clarification.

MS. THOMAS: That's -- that's how, maybe you might consider caveating all of your recommendations that -- that the Commander recommends -- that you recommend approval or denial or whatever.

MS. JAHNKE: So Sheila, do you want to read what you've written, and -- and --

MS. THOMAS: Yeah.

MS. JAHNKE: We want to make sure we get this right.

MS. THOMAS: So Pat Cox made a motion to recommend approval for a resort lease permit at Serenity Shores -- say that really fast -- not to exceed one half of the slips to be used for watercraft rental, and the second was Ryan.

MS. JAHNKE: Okay. Because I think the beginning needs to say "recommends to --" I'm sorry, I can't remember the guy's name or the title.

MS. RAY: He's the Commander of the Little Rock District, but his name is Colonel Eric Noe.

MS. JAHNKE: So I think we need to say that we're recommending to the Commander the approval of -- of that recommendation. So it

needs to be prefaced with that.

MR. COX: Yeah, right. And then perhaps that he further recommend based on public comment, no more than 50 percent of the slips be utilized for watercraft rental. And that could be put into their lease.

MS. JAHNKE: And Ryan is good with all the friendly amendments that we've made here.

MR. BENEFIELD: Good.

MR. COX: Keep in mind, the watercraft rental is just for the bona fide rental guests, it's not a public facility by any means.

MS. THOMAS: So -- the motion is to recommend to the Commander the approval of a resort lease permit at Serenity Shores not to exceed 50 percent of the slips to be used for watercraft rental?

MS. JAHNKE: Corps, are we -- are we good with that?

MS. RAY: Yeah.

MS. JAHNKE: Okay. And Ryan, are we good with the second?

MR. BENEFIELD: I am, but I do want to have discussion first.

MS. JAHNKE: Okay. All right. So

discussion.

MR. BENEFIELD: So Pat, is that a normal condition in a permit, that that's limiting? I mean, is that something -- and maybe this is a question for the Corps too. Is that --

MR. COX: No, it's not. I don't know if it's even ever exists. I have a -- for example, 20 years we've operated a similar lease at the Chateau on the Lake, 120 slips. We probably have 12 boats, 15 rental boats. But that's a situation where they're still at the docks with people around it. But in this situation, listening to the public, I hear their concern about, you know, the density in that cove, the traffic in that cove and having set these limits on the number of rental boats should mitigate that and still provide that service to the leaseholder. That's why I included that.

MR. BENEFIELD: And I support it. I just want to make sure that we're not recommending something that's an automatic no because they don't do that.

MR. COX: Right.

MR. BENEFIELD: Because as a former regulator, I'll say that that -- you know, all of a sudden it's like, well, great, you recommended because we could put this 50 percent in, but we can't, so we're not gonna -- we don't --

And my opinion is, I think they should get the permit, one, and then, two, we recommend that they put that restriction on; but if they can't put the restriction on --

MR. COX: Right.

MR. BENEFIELD: -- I would still be in favor of them getting the permits. So that's -- that's -- that's what I was thinking.

MR. COX: Okay. I'm good with that.

MR. BENEFIELD: If we could -- sorry. That's my -- I just don't want it to be that we're recommending they get the permit if they can restrict it. We're -- again, we want them to get the permit.

MR. COX: Right.

MR. BENEFIELD: And then restrict it if possible.

MR. COX: Right.

MS. THOMAS: I would agree with that.

I would say we vote on --

MR. COX: It should be worded that way.

MS. THOMAS: -- turn this one down and make a new motion. We make two recommendations.

MR. BENEFIELD: Okay.

MS. THOMAS: That -- that would be mine because I agree with you. I think they need to get the permit, and then if we can -- because we don't know what that's going to look like from the Corps' perspective. They may say, well, we can't do that, so we're going to deny it. Then we defeated the intent of what we wanted to do, I think.

MS. JAHNKE: Do you want to work on rewriting that so that we could vote on the two separate?

MS. THOMAS: I think we can separate them pretty easily.

MS. JAHNKE: Okay.

MS. HARRISON: So we need to defeat this motion that's on the floor?

MR. COX: Dana, you might want to comment. It is a real estate instrument, so I think they do have great flexibility. I know our lease has a lot of caveats and such in it,

to it. So it probably could be done.

MS. COBURN: There's -- there's a side huddle that's going on right now with our real estate -- well, former real estate person --

MR. COX: Okay.

MS. COBURN: -- and they're discussing.

MS. JAHNKE: Yeah. So let's give them a chance to give us some feedback and then --

MS. COBURN: And then we can work on the next steps. Is there some Corps information that we should be hearing?

MS. SHORTT: Hi. Becky Shortt. And speaking as a former real estate specialist and knowing that I cannot speak for the current real estate contracting officer, a condition that limited the number of slips or their percentage of slips that could be used for any purpose would be a special condition. It's not a standard condition.

And so it would be up to the real estate contracting officer as to whether they felt like that was a restriction that would be in line with policies and regulations as well as they had to take into consideration that that causes additional administrative effort to

ensure that they're only using a certain number of slips for each purpose. But it's not uncommon for us to add special conditions to a real estate instrument.

MS. JAHNKE: Okay. So I think we have --

MR. COX: That's very helpful.

MS. JAHNKE: Yeah.

MR. COX: Thank you.

MS. JAHNKE: That is helpful. So -- so I think we have two options, as I understand it with Robert's Rules is, if the person that made the motion and seconded it are willing to have us rewrite it, we could do that. Or we could vote this one down and get new ones. So what -- what's your --

MR. COX: I'll rescind my motion, if you want to do that.

MS. JAHNKE: Okay. All right. So we'll rescind that one.

MR. COX: I'll do new motions.

MS. JAHNKE: And make new motions, and I know Sheila's busy on writing those out. I'm sure all she has to do is kind of divide things up here now. And then we'll have her read those

for us and then we can go look from that.
Sheila, do you want to give it a shot?

MS. THOMAS: So the original -- half of the original motion was that we would recommend to the Commander the approval of a resort lease permit at Serenity Shores. That's the first half.

MR. COX: I'll make a motion that the committee recommends to the Commander the approval of the resort lease at Serenity Shores.

MR. BENEFIELD: Second.

MS. JAHNKE: And Ryan seconds it. Do you want to vote on that one before we do the second --

MR. COX: Mm-hmm.

MS. JAHNKE: -- part? Or do you want to -- okay. So -- so --

MR. COX: Let's do it.

MS. JAHNKE: Yeah. Yep, yep. One at a time, then. Okay. Would you read that just one more time, just so everybody knows what they're voting on?

MS. THOMAS: That we recommend to the Commander the approval of a resort lease permit at Serenity Shores.

MS. JAHNKE: Okay. All those in favor of that recommendation, please say "aye."

ALL: Aye.

MS. JAHNKE: Opposed, same sign? Okay.
(None opposed.)

MS. JAHNKE: Okay. The motion carries -- or the recommendation carries.

MS. THOMAS: Read the second half?

MS. JAHNKE: Go ahead and read the second one and then we'll let Patrick tell us if you got it right.

MS. THOMAS: The second half of the motion was that we would recommend to the Commander that the resort lease permit at Serenity Shores not exceed 50 percent of the slips to be used for watercraft rentals.

MR. COX: I'll make a motion.

MR. BENEFIELD: Second.

MS. JAHNKE: Okay. And Ryan seconds it. Any further discussion on the second motion? None. Okay. All those in favor of the second recommendation, signify by saying "aye."

ALL: Aye.

MS. JAHNKE: Opposed, same sign.
(None opposed).

MS. JAHNKE: All right. Motion carries. Thank you. One done.

MR. BENEFIELD: Our first official act.

MS. JAHNKE: Is there another committee member who's got a specific recommendation or -- or wants to bring one up where we might work together on coming up with the appropriate wording?

MR. BENEFIELD: I have a question --

MS. JAHNKE: Yes.

MR. BENEFIELD: -- for the Corps, if I can. I wanted to make -- see how we would fashion it. So we heard about four cases where people wanted us to slightly shift a zone, take it from here, put it over there. Is this Shoreline Management Plan the only mechanism for them to do that? Do they have any options other than us recommending that the camp take 300 feet from here and put 300 feet over here?

MS. SHORTT: You are correct. This update to the Shoreline Management Plan is the only time we can move zoning.

MS. JAHNKE: So -- so in the written comments, we need to go in and dig out every single incident where somebody's requesting

that. Okay. We may have to do a little digging here. Yep. Okay. Ryan, thanks for asking that question.

MR. COX: Well, since you brought up Kanakuk, if we -- maybe Rod could give us some clarification on the impact of shifting this zone and whether it's deemed appropriate and so forth.

MS. COBURN: There's another sidebar discussion going on regarding -- okay. Rodney?

MR. RALEY: Yes. I was at a sidebar.

MS. COBURN: Do you want to answer that question?

MR. RALEY: I didn't hear it. I'm sorry. I was talking. What was the question?

MS. COBURN: Pat, can you repeat your question?

MR. COX: Sure. Without seeing a map and having more insight into this, because of the use patterns and such we're requesting -- and this is the opportunity to do it because if we do it, it's going to be set in stone, shifting their zone, I guess down the shoreline. Can you add some clarification on the impacts of this? It doesn't affect both those docks, I

don't believe, does it?

MS. JAHNKE: This is -- this is in particular with the Kanakuk Kamp request --

MR. COX: Right. Mm-hmm.

MS. JAHNKE: -- to move something 300 feet.

MS. SHORTT: What -- what I would suggest is that we would go to the Web site and pull up the map and look at that specific zoning. There's several things to look at as far as how you impact other adjacent landowners' docks in the area, cove width, water depth -- and Rodney, if I'm forgetting some piece of that.

There's a lot of different things to consider when you're looking at zoning on the shoreline, and it's very helpful to be able to pull up the map and look at that specific location, and everybody can access that same map. And Trish is going to walk everybody through how to access it from the Web site, so everybody can be looking at the same thing at the same time.

MR. COX: Is this the property over across from Breezy Point?

MR. HUNT: This is Rob Hunt on the line. I'm not sure if this is like dodging responsibility or just pragmatism, but could we just make a recommendation that the Corps review the division alignment agreement on shoreline realignment opposed to public comments here in the community? Instead of us trying to figure out -- like I don't know how to make a shoreline designation appropriately.

MR. BENEFIELD: My opinion is yes because I don't want to make a decision on one thing that someone didn't know what was happening, and they come in and go, well, now I've been harmed because we only heard from -- you know, so we need some sort of analysis of saying what's the negative effect of doing it, any change.

MS. JAHNKE: So -- so our only recommendation could be, we think the Corps ought to look at it. I mean --

MR. HUNT: Right, specific orders that they won't get considered unless we consider them, I think that's incorrect. I think at the present, we make a recommendation that the Corps needs to look at them and consider them, then I

think we've done our duty without wading into water that we're not qualified to be in.

MR. BENEFIELD: I'm not going to look at any other Corps folks when I say this, but I think we need them to look at that before our next meeting because the reason I asked my question is, if we don't change it now, you've got to wait until the next Shoreline Management Plan update. Right? That's what we said, because the only choice is either now or you wait. So I mean, I don't know -- I don't know. These ones we got presented to us, I don't know how legitimate they are, or how -- you know, I don't know. But if we don't act, if we don't make a recommendation, they don't change until the next Shoreline Management Plan at best.

MS. COBURN: Mm-hmm.

MR. HUNT: Well, I don't know that that's true. I mean, the Corps is not limited by what we recommend. They can do -- right? I mean, they can do what they need to do with updating the draft documents, if there are changes that need to be made through the normal processes. This is just part -- this is all just part of public comment, right?

MS. THOMAS: Well, it sounded like -- it sounded like any change in LDA -- clarify this for me, please. Any change in LDA has to happen right now in the document. Is that correct?

MS. SHORTT: Yes, Sheila, that is correct. Any changes to LDA can only be done when we're updating a Shoreline Management Plan and that happens in this process that we've been going through, since 2015?

MS. BURTON: '14.

MS. SHORTT: '14. And so it's not something that we do on a regular basis. It's -- especially when you're making major changes, which a change to a shoreline zoning is a major change. So we would ask that, yes, I mean, we -- the Corps of Engineers went through our initial processes of review and public comment and looked at all of these one-offs that came in during that time, and so some of these we've looked at once and some of them are probably new, that haven't been looked at before. And we set criteria as a team, as to how to review these and so, you know, like we can -- you know, if there's like other criteria

that you think that we've missed, that might be something to discuss in the committee. But otherwise -- and it might help you to look at at least one of these one-offs to kind of get a feel for what we're -- what we go -- what the discussion is.

MS. HARRISON: Can we do that? So if we go, she brings this up, can you tell us what you have done with them already and kind of where it's going?

MS. SHORTT: We can bring up the -- like the Kanakuk Kamp one --

MS. HARRISON: Right.

MS. SHORTT: -- that was discussed today, and I don't remember off the top of my head if that's one of the specific sites that we looked at before, but we can go through with you the process of what we would look at at that specific site.

MR. HUNT: What I'm -- what I'm understanding is that our committee's recommendation would then be more about the process of reviewing the site and not recommending specific re-designations, right?

MS. SHORTT: That would be entirely up

to the committee to decide how you want to make the recommendations.

MR. HUNT: What does the committee think?

MS. THOMAS: I do agree with you on that, Rob, a little bit. I don't think that we want to go back to the public comments and review every mention of, I want you to move this from here to there, or whatever. I -- I don't feel that I'm qualified to do that. But maybe a recommendation that they -- you know, that they all have been reviewed, or to our satisfaction they have been reviewed is appropriate.

MR. BENEFIELD: So -- and I'm comfortable with that if the committee is. And my only fear is that if someone brought one up, remember, they cannot get it fixed for five to ten years, you know, whenever the Corps starts this process again, and this process has been going on six years.

So if -- let's say that this camp one -- and once again, this could be the most legitimate change or the most whatever change, we don't know. We haven't looked at it. But if it is, we need to be changed and it makes sense

for everybody. If we don't address it here or the Corps doesn't address it between now and our next meeting, it will not change for at least five years, I'm guessing.

MS. HARRISON: Excuse me. Isn't that one of the things we talked about in our list of this communication, that providing there was an appeals thing that was in this, so maybe in that's built in as a recommendation so that they have ability to go through and it's not just every ten years or whatever. Streamlining that whole process.

MS. JAHNKE: Mm-hmm. That's another great recommendation. So -- so let's look at maybe this one case, or if you want to pick something different that you know of that's a request, why don't you go through the process with us so that we have some kind of an understanding of -- of how that works.

MS. SHORTT: Okay. So our first screening criteria that we look at is, there is a Little Rock District policy that states that after that policy was in place that we would accept no more rezoning requests on Table Rock Lake. So the first one is that we had to make

sure that that request was originally sent in prior to, and I believe it was --

MS. COBURN: 2003.

MS. SHORTT: January 2003?

MS. COBURN: Yes.

MS. SHORTT: And if it was not sent in before that time, it was automatically denied. The second screening criteria that we looked at is if we -- we did have some cases of requests that were turned in after 2003. However, the request to move the zoning was entirely contained within one individual or corporation's property ownership.

So say Mr. "X" owned a large parcel of property, he had zoning in one location, all that zoning was on his property, and he requested to move it to another location within that existing parcel of property, we would look at that because it did not affect any other landowners.

MS. COBURN: Becky, you might have to repeat all of that. I just got a note that you -- the public was not able to hear what you were saying. I'm sorry.

MS. SHORTT: That's okay. Okay, so

screening criteria, the first one being the Little Rock District policy that we would not accept new zoning requests after 2003, the second part of that being if we received a zoning request after 2003 but it was within one ownership's contiguous parcel of property, we could consider a request to move the zoning within the parcel of property. The underlying thought is that you do not affect anyone except for that property owner.

And so I'm gonna let Trish now take over and -- everything else? Can they still not hear? Pat or Rob, can you hear?

MS. COBURN: They have just both fallen off. Stacy, are you on the line?

Testing. Are there any AT&T operators on the line?

Okay. We are experiencing technical difficulties. Hold, please.

(AUTOMATED MESSAGE: Please hold. A specialist will be with you momentarily.)

(A discussion was held off the record.)

MS. SHORTT: This is Becky Shortt. I'm sorry, we've had some technical difficulties and got dropped off the line. We're doing some

testing now to make sure that it's -- we can still be heard. All right. We're getting the thumb's up that we can be heard.

I believe that everybody dropped off when we were talking about screening criteria for rezoning. Pat or Rob, can you confirm that that is where you dropped off?

MR. HUNT: Yes, someone just asked to look at a map and an example, I think Chairwoman Jahnke had asked to be shown an example on the map, and then someone from the Corps was just saying -- getting ready to start explaining some things and then it just cut out.

MS. SHORTT: Okay. All right. So what I was explaining was is that we only look at changing shoreline zoning during a Shoreline Management Plan update, and we do have some screening criteria that we looked at at the very beginning, and that being a Little Rock District policy that's in place.

It started in January of 2003 and it said that we could only review requests that were submitted prior to 2003. And we added to that that we would look at requests that were submitted after 2003 if that request was

contained within one ownership of private property adjacent to the Corps property.

So as an example, if Mr. X owned a large parcel of property and he had zoning in one location on that parcel and it was a bad location for putting a boat dock, if he submitted a request to move it to another location adjacent to that same parcel of contiguous property, that we would look at that new location that might be better suitable for placement of a boat dock.

And so from that point, Trish is going to walk everybody through how to pull up a map and the screening criteria that we would use from that point.

MS. THOMAS: Becky -- sorry.

Trish, How does -- how was that 2003 date determined? I was just curious as to where that came from.

MS. SHORTT: Other than it being a Little Rock District policy, it's not a Table Rock Lake specific. So it was done at our Little Rock District level. So at that time, it would have been by a PDT of Corps of Engineers employees from all the different regions within

the Little Rock District.

MS. THOMAS: So like if this Kanakuk request just came through this process just today, it would be denied because it wasn't submitted before 2003? Is that what I'm understanding?

MS. SHORTT: Unless it is --

MS. THOMAS: The one landowner's situation.

MS. SHORTT: Correct.

MS. THOMAS: Okay. So any -- anything submitted that was submitted through this process through the public comments section that wasn't submitted to you prior to 2003, you would not typically consider anyway because of that policy.

MS. SHORTT: Correct.

MS. THOMAS: Okay.

MS. SHORTT: If it involved moving zoning or changing zoning.

MS. THOMAS: Okay.

MS. TANNEHILL: So those listening via telephone using that oversight committee Web site, on the top right you'll see a general map. You can click on that map and it will open up a

new web page, and that's our interactive map. That's how to use it.

Currently showing is the alternative 4A, the third. You can change shoreline zoning. You can click on the content tab at the top left and we can see the other alternatives. The no-action, which is the current plan, it's Alternative 3, so we can compare those areas. So if we want to look at the Kids Across America, is that the one you want to look at? I believe they're doing a 460; is that correct?

MS. JAHNKE: Sounds right.

MS. TANNEHILL: At the top right, you can do a search of the 460 here, and we'll go to the Alternative 4, zone ID, and take us right to that area. The blue area is the resort lease area, and then the red line, of course, is the LDA. Is that right? K West? And the request asks to shift.

MS. THOMAS: 300 feet to the west.

MS. TANNEHILL: 300 feet to the west. There's a measuring tool at the top. You can click on that and there's a line here. You can do a distance. You can choose feet. And go from the end of that zoning right there, it

would be almost 300 foot there, a little less. There's the cove -- would come in to play. You guys were asking about the criteria; is that correct? Or what was the question?

MS. JAHNKE: Sure. We're -- I mean -- I think we need to know criteria, too, although, if you deny everything that was submitted after 2003, then there's no criteria, right? I mean so --

MR. HUNT: Well, only -- so my understanding is that if it's -- if it's the same property owner wants to go rezone part of their shoreline for another part of the shoreline, that they had considered it.

MS. JAHNKE: So you have criteria for that? The Corps does?

MS. SHORTT: So we could just look at this, assuming right now that that is all within, contained within one property. And so at the back of the cove where it turns from yellow to green, for that, we would assume that Kanakuk owns all of that adjacent property and even over into that densely-wooded area because the -- you know, if that densely-wooded area that's in the back of that cove would be

probably within 200 feet of that zoning.

And so if you move that zoning away and that property was owned by Mr. A, he would not -- he would be losing his access to that zoning and I believe that was part of the comment that they said, is if -- you know, if it's going to hurt a neighbor, they would be okay with splitting it and shifting part of it down, which is a scenario that I don't think that we have talked about before. But let's just assume for conversation's sake right now that they own everything that we can see on the map and there would be no other party that would be affected by this move. And so Trisha and Rodney, walk them through what we would look at as the Corps' criteria to say this is a good spot for a boat dock or this is a bad spot for a boat dock. And I think we would want to start first at the Master Plan allocation for that location.

MS. TANNEHILL: So it's like it's 300 feet west of the existing zone. It's the green area which means environmentally sensitive, no permits currently are allowed. So that would have to be low-density land classification for

there to be a limited development area located there, as it is to the east of the resort lease.

MS. SHORTT: So by changing from low-density or from the current of environmentally-sensitive area to low-density, you allow for permits to be placed in that area and the vegetation to be modified to allow for permits and you change to a percentage of how much of the lake is environmentally sensitive or how much is allowed for low-density type modification.

MS. THOMAS: That's an element of the Master Plan, not the Shoreline Management Plan, correct?

MS. SHORTT: Right. Right. So a change in this -- in this case --

MS. THOMAS: A whole new can of worms.

MS. SHORTT: Yeah. In this case, a change to the low-density -- or, I'm sorry, a change to the zoning would also require a change to the Master Plan land classification, so it would be two recommendations.

So what else would we look at there, Trisha?

MS. TANNEHILL: So we could look at the

third of the cove, measure across 520 feet. So the dock couldn't block more than a third of the cove.

MR. BENEFIELD: And this would make it -- this would be moving it out and back into the main cove, though.

MS. TANNEHILL: So they would be limited to a third, wherever they place that new dot. Say it was here, so say 60, a third of that, the dock couldn't expand further than that.

MR. BENEFIELD: This is just a dumb question, but I just don't know. What's the difference between calling it an LDA and actually having a dock? Because from my understanding based on the comments, they don't want a dock. They want to be able to access out and launch canoes. And so if you kind of look at it, you can kind of see that area to the right of the resort area is -- is pretty filled in, right? I mean, that's not open water, at least in that picture. You get really quick over into what's been filled in. So they obviously want some more area to the left that's open water, but not to put a dock, is not the

what I understood.

So what's -- what's the restriction between what you can do in the red area versus the green, if you're not talking about a true dock?

MS. TANNEHILL: As far as the environmentally-sensitive area between, there would be no permit activity, no shoreline permits, there's no development is allowed in the environmentally-sensitive areas, whereas the low-density, the yellow areas, you could have active recreation-type activities.

MR. BENEFIELD: So they could put a path or clear it so they can -- they couldn't clear it so they can launch canoes from the gray area.

MS. TANNEHILL: It's no launch in a public area.

MS. SHORTT: All launch ramps have to be within -- not only the low-density lane classification, but also the limited-development shoreline zoning area.

So as Trisha was showing, we would, you know, look at the screening criteria, measuring one third of it -- measuring the cove to make

sure that a dock would fit into the area if we approved the zoning to be moved. And we would look at the depth of the cove, which I don't know if Trish can show in this. But you can kind of get an idea from looking at this photo, what the shoreline looks like as far as supporting a boat dock. We would send a ranger out to take a look at it and measure the water depth at that location.

MS. BURTON: Trish, what year is this imagery?

MS. TANNEHILL: I don't know the year. What we do know is the -- the line of the environmentally-sensitive and the limited-development area, that's at the 915 elevation, that conservation pool to the water is lower than normal in this photo.

MS. THOMAS: So in this scenario, if they wanted to put a launch area in for canoes, what would be their option?

MS. SHORTT: Currently, they could -- the area that you're seeing that's kind of the light-blue color is the current resort lease area. That is the area that we can currently entertain requests for those types of uses. We

could entertain a request for expansion where there is the red line and the yellow classification, so back further into the cove we could entertain requests.

I'm not saying that those requests would necessarily be approved because everything is site-specific, and our current resort policy requires that resort leases comply to the Shoreline Management Plan permits to the maximum extent possible, and currently we would -- we don't have a shoreline use permit that we would grant to the public for a canoe-launch-type facility. So it would be -- it would be up to trying to figure out is, you know, for a boat ramp, which is what we would have to consider it is a boat ramp-type facility, we would go back to the shoreline management rules on where boat ramps can be placed, which is within the redline zoning and the low-density, and it would have to be open to the general public.

They couldn't use it for just their resort guests only, and there couldn't be another boat launch within -- and it's slipping my mind, but it's either two or three shoreline miles. Three shoreline miles. And it would

have to be sponsored by, and the permit for it -- and I say permit, the real estate instrument would have to be issued to another government entity like the city, county, or someone like that would have to request it.

MS. JAHNKE: So I have a question. So primarily because of the green area -- I'm sorry, I forgot what it's called. The environmental protected area, the green area, the answer would be no; is that right?

MS. SHORTT: Assuming that -- so the answer to moving the zoning?

MS. JAHNKE: Yeah.

MS. SHORTT: It would be that and not knowing what the adjacent ownership is. It might affect the adjacent landowner.

MS. JAHNKE: Right. So we don't know -- we don't know land ownership lines on this map, correct?

MS. SHORTT: Correct.

MS. JAHNKE: Okay. So we have a couple of things. What if -- what if they came to you and said, here's -- here's our problem, here's what we'd like to do, what are some options available to us? What kind of an answer would

they get from the Corps? I mean, clearly they have a reason for asking for this, right? So -- so what would happen if they actually asked you?

MR. RALEY: I'm not sure we would actually, you know, just tell them, you know, you need to do this, this, and this. We -- I mean, we are more likely to tell them, in order -- if you are wanting to do this, here's our requirements. You know, you must have them to develop an area. It must be the proper Master Plan land classification. You know, they may ask questions, what if I do this, we can say yes or no, but I'm not sure if we're just going to -- if they say, what can we do, I don't think -- if you do this, and then you need to do this and this, we're -- we're going to tell them what's required and then, you know, any device or any specifics they ask, we're going to try to give them the facts and the requirements.

MS. JAHNKE: So -- so they do have options because -- because of that big area there, they potentially have options, they just might not like their options?

MR. BENEFIELD: I would say they have no options. And I'm not saying they should have

options, I'm just saying they have none because if they came in and tried to move it regardless of their ownership, you are going to say no because it doesn't meet the Master Plan, or the, you know -- right? I mean, it's just simply you cannot move 30 -- 300 feet to the west. I mean, even if you were -- even if you're willing to give up all of that on the -- down the -- on the east, which I doubt they want.

MS. JAHNKE: Or they could move their dock someplace else that made more sense for what they want to do. But moving that line is not gonna happen.

MR. RALEY: Well, I mean, I -- right now their options are -- what is that, Trish, probably 5- -- 600 feet of the leasing area? So they have got room within their current lease area, so we let them know, you can do this or that or -- you know, within your existing. How much is that, 600?

MS. TANNEHILL: Yeah.

MR. RALEY: So if they want to shift it, then the hurdles are, you know, it's environmentally sensitive, you'd have to -- you know, you'd have to move the zoning, you'd have

to change the land classification. There's -- you know, there's hurdles to move it. You know, there are options within an existing area.

MS. SHORTT: And the Committee is reviewing the Master Plan as well and is making recommendations on the Master Plan. So you know, this -- this would be their first step in wanting to move, of them -- you know, if they came to us and said this is what we're wanting to do, well, this is the first step. You would submit a request, and then if it meets all of the screening criteria, we can approve it. And if it doesn't, then we can't and you're back to square one. Trish, can you remove the blue resort layer so they can kind of see the landscape there.

And so I'm sure they're wanting to move it because the other location is either it's a gentler slope or in some ways it's more conducive to the use that they're wanting to do.

MR. BENEFIELD: If I recall, you said he thought -- they would -- it was safer, that that would be a safer place for them to -- and I'm not saying we should do it, I'm just trying to -- I'm trying to understand the process, just

from my perspective is if -- if -- and I'm not saying we should change it, but if we don't change it now, it doesn't change. Do you see what I'm saying? I mean, it really doesn't change. There is no options for them for five to ten years if it doesn't change under this proces. Not that it should. But --

MR. COX: Hey, Becky, can you guys hear me?

MS. SHORTT: Yes.

MR. COX: What do you mean about the merit of this, what I call the youth camp and shoreline access permit, it's like a 20-foot trail easement so they can reach the shoreline. You could require that it's an approved trail or something like that. Would that get it done?

MS. SHORTT: Possibly. That would be some -- a nonconforming-type new permit or new real estate instrument.

MR. COX: Yeah. In some ways, though, it's more limiting, which could be beneficial to the environment there, you know, seasonal shoreline access.

MS. SHORTT: Right. And if you do something like that, then you have to come up

for the criteria of why you approved that because once you --

MR. COX: Mm-hmm.

MS. SHORTT: -- approve one, then you have had that criteria to approve the next question request or deny the next request that comes in.

MR. COX: Okay. Yeah.

MS. SHORTT: Based on the criteria you put together.

MR. COX: And I'm not trying to create a whole other, you know, permit and work. I don't know if there's some existing permit, if that's something that could be applied? Seems like that's just all they need is access to that, so I gave him the full enchilada.

We all know people that have their own access anyway. I think he's trying to do it legitimate here. Anyway, that's something to think about. I had that in one of my bullet points, so that was a viable solution.

MS. JAHNKE: I'm going to guess that these are going to require lot of questions and thoughts and --

MR. COX: Mm-hmm.

MS. JAHNKE: -- so how do you feel about taking a lunch break so that maybe we have a chance to process just a little bit and figure out what that next step would be. And can we gather back together at 1 o'clock? Is 45 minutes long enough?

(Committee Members Nod.)

MR. COX: Absolutely.

MS. JAHNKE: Okay. So to the public, to my committee members that are not here, we will reconvene at 1 o'clock sharp. And let's take a break for lunch.

(A recess was taken.)

MS. COBURN: Are we ready?

MS. JAHNKE: We are ready to rock n' roll. Do we have Rob and Patrick on the phone?

MR. HUNT: This is Rob. I am here.

MS. JAHNKE: Rob's here.

MR. COX: Pat's here.

MS. JAHNKE: Very good. Thank you. Okay. We ended before lunch talking about changes to zoning, I guess. Did anyone have an epiphany during the break that you might like to recommend?

Ryan, did you get it figured out?

MS. SHORTT: This is Becky, and a question to the Committee. My epiphany during the break was, I have pulled up on my personal Corps computer here a sample of a rezoning evaluation form, and so if you guys would like, I can read through the remaining elimination factors, and as you've kind of seen it on the screen, and you kind of have an idea of what that looks like when we're looking at it on an -- on an aerial photo, I can just go through the list of elimination factors.

MS. JAHNKE: That would be great.

MS. SHORTT: Yeah.

MS. JAHNKE: As a start, yeah.

MS. SHORTT: Okay. And so these elimination factors are what we used for the Shoreline Management Plan request that came in prior to 2003 or was for a location that was contiguous, moving something within contiguous property. And so from that point, the elimination factors were -- and mind you, this is because we were only looking at the SMP, not changes to the Master Plan.

So elimination factors: One, is the proposed site located outside of a low-density

lying classification? Is the proposed site located within a marina or park buffer? Would one third of the cove be obstructed by the proposed dock at 915? Would the proposed dock be less than 100 feet from existing docks and boat ramps? Is the water depth less than 8 feet where all stalls will be located?

Does the applicant have legal access and can they meet parking requirements? Is the proposed site located within the right-of-way of a current outgrant? Does the proposed location present any environmental, cultural, health, or safety concerns?

And it goes on to talk -- does the proposed site have flowage easement? What is the percentage of the slope of the shoreline? Is the area subject to siltation or erosion? Is the area subject to high winds or currents? Would a dock present a navigational hazard at the location? And then a number of slips of the proposed dock.

MS. JAHNKE: Ryan?

MR. BENEFIELD: I think -- I mean, I think we're not gonna go far if we try to look at every one up on the screen and try to

evaluate them all; however, I'm still of the opinion that, if one's going to -- and because of this process, and let's hope that your future processes to update the Shoreline Management Plan are a normal, quicker process, but -- but I think two things.

I -- I would, I guess, request that those that we've identified, that the staff look at and tell us why, and not considering the 2003 rule, meaning those that have been kicked out simply because of the 2003 rule. To me, if that's the only reason it was kicked out, then I'd like to recommend the Committee ask the Corps staff to take a look at those and -- and make a recommendation to us in September.

That's just my idea, everyone else aside, but like I said, we're not kicking things out simply because of the 2003 policy. I mean, that may state the Corps policy, but we may also recommend that it not be the policy, is what. I mean, we -- we can't -- I'm not saying we need to change any of them, but I just am sensitive to the fact that if someone -- if there is a legitimate one that should be changed, now is the time to do it.

MS. THOMAS: Yeah, I agree with that. As property ownership changes and people come who bought property and desire to make some kind of change, but because it wasn't applied for before 2003, that's sort of arbitrary. I mean, I get you have to have something in place, but -- but I would like to see us recommend that -- yeah, that we revisit those apply -- or those people that have requested change and then -- and not use that 2003 number.

I don't know if we need to -- how we formalize that, or if we need to, but we can't do it. I mean, we -- we as a committee can't simply review every request. We don't have the expertise. I'm speaking for myself, but I think you're shaking your head, so --

MR. BENEFIELD: Yes.

MS. THOMAS: Ryan agrees at least. I mean, I -- but -- but they need to be looked at if they haven't been. Simply because they were not applied for before 2003, that's -- that doesn't seem right to me.

MS. JAHNKE: And clearly there are criteria, so we could recommend that it be based on the criteria.

MS. THOMAS: Yeah. Absolutely.

MS. HARRISON: Why don't we just rid of the -- recommend they get rid of the 2003? I mean, I know the SMP gets approved or whatever, but things change over time, and if it's going to be another -- how many years was it since -- I mean, that's nobody's fault, that just happens. But what about like what Sheila was saying? There's a new homeowner five years from now and it may be better than the suggestion they are doing.

And so if it's in the benefit of the lake and the Corps, and the -- and the owners, isn't that a win situation? So why does it have to be, that if it wasn't here at this time, that we're not gonna talk about it again until this happens?

MR. BENEFIELD: From my view -- I think from my point, I agree with you a hundred percent. The only thing I don't -- I think I'm prepared to -- to support recommending like not supporting the 2003 date. I mean, to -- our recommendation is that that should not be a hard date in there, that they should all be looked at.

However, though, if we -- if that's all we do and if we don't look at any of these, and I -- you know, if we don't look at any of them, those folks don't have a chance for five to ten years to have it looked at.

MS. THOMAS: At least.

MR. BENEFIELD: And so -- but my thought is, I'm not even saying that I -- I mean, I'm willing to even go out on a limb and say, if the Corps comes in and says, this is why we're not gonna do it, that -- then I'm comfortable with that. I just don't think they should be kicked out simply because of prior to 2003.

MS. JAHNKE: All right. So maybe we should have a formal charge to the Corps from the Committee related to this item, so something to the effect of the Committee requests the Corps to look at all permit requests or changes to permit requests made during the time period from the last SMP, I guess, but if there's a better time period there. And to review those and make recommendations to us based on the criteria that you -- Becky just read at our next meeting so that we can make an informed

recommendation past that.

MS. THOMAS: I'm not sure we want to leave the timeframe so broad because asking them to review permit requests from the last Shoreline Management Plan, like I don't even know if some of them were born. You know, I mean, that's a long time. And so -- and they may not even have the records, honestly.

MS. JAHNKE: Right.

MS. THOMAS: So the ones from this last year or even just since our Committee's been in existence I would be okay with, just because that's our charge is to -- I mean -- I feel like the public has had opportunity to, you know, reach out to us and say -- come to these meetings and say, hey, we're asking for this. So I would be fine with that. But I'm not set on anything. I'm just not sure --

MS. JAHNKE: Right.

MS. THOMAS: -- we want to say since the last --

MS. JAHNKE: I like that. That's a friendly amendment.

MS. SHORTT: A point of clarification from the Corps. Do you want -- specify whether

or not you want us to review all requests for permits or all requests for rezoning.

MS. JAHNKE: Zoning, I think, is what we're after.

MS. THOMAS: Yep, right. Rezoning, yes.

MR. COX: And then, are we going to ask them to reconsider their whole policy on that, or we're just asking them to be consistent with their policy to review rezone requests and make determinations?

MR. BENEFIELD: My -- my motion would be that they relook at the ones that we received while we were doing this process and do not use the 2003 policy to kick them out. Take them past that policy, meaning, you know, if right now it sounds like that's a threshold, if you get one in, no matter what it is, whoop, 2004, that one's denied, we're not going to consider it. So we -- but everything else stays the same. And then, like I said, I think I'm prepared at least to make a motion that we ask them to throw -- to change the 2003 policy. Once again, we're making a recommendation. It's bigger than Table Rock. They can come back and

say, no, we want to keep the 2003 policy in place.

MS. THOMAS: Right.

MR. BENEFIELD: But it's our job to make a recommendation. So -- so yeah. So only -- only consider those that we've gotten comments on because I agree, we can't control those that people commented on outside our process, it's what we got comments on.

But consider them not considering the 2003 policy, so take them to the next steps. And then like I said, we can consider making a recommendation regarding that policy as a separate recommendation.

MR. HUNT: But we want -- we want the Corps to be able to review rezoning requests that do not fit the descriptor of -- you know, or rezoning requests within my property line. Like we need to be able to say, I want to rezone the lake and impact several property owners.

MR. BENEFIELD: My --

MR. HUNT: My understanding is that if I request a rezoning within my property line, that 2003 doesn't matter. It's just when they change the type of request they look at, so it's

still specific.

MR. BENEFIELD: I guess my thought on it is, I'm not saying that we're gonna recommend that they make the zoning change anywhere. I don't want to presume that we're going to agree. But -- but I would like them looked at. I mean, there are cases that affect other -- I mean, I can think of a couple scenarios.

I don't know if this exists, but let's say that, Rob, you and I own a piece of property next to each other and we're different property owners, but you're perfectly comfortable with the effect. You know, I'm comfortable with it and you're comfortable with the effect. I'm going to gain something, you're not. You're losing something, but you -- but we're both comfortable.

So I -- to me, that -- that's the same as joint ownership, if everyone involved is -- is okay. But there may be other reasons to kick them out. I'm not saying that any of them are going to get adopted. I'm just saying that I think that should be looked at --

MR. HUNT: Yeah.

MR. BENEFIELD: -- every time you

update the Shoreline Management Plan.

MR. COX: What about, you know, you look at this matrix that guides the -- under the rezoning to add LDAs, alternative five, two parts of it. One is add more LDA, up to 20 percent. Let's say that's not part of your recommendation, but the second part is allow new rezoning requests in reevaluating existing requests.

In other words, you know, not adding more space but being able to have some modification or moving adjacently here and there, you know, that option or that process is still available in the new Shoreline Management Plan. So we're not eliminating. We're not just saying no, we're not saying yes, either. But there's still some way to make a case. Not just getting more room, but if you want to shift it, again, a modification-type wording is still available. We could recommend that to the Colonel and if that option is still available to staff and management.

MS. BURTON: I need an additional point of clarification. When you say, since the formation of the Committee, are you saying when

we were given the directive in 2016 or when the Committee was officially formed, which was October of 2019?

MR. BENEFIELD: My opinion is it's comments received subject to our committee. It means the ones that we -- when we've got the comments for written, and then when we received the verbal comments, we probably had -- I don't know, it was probably only about six or seven people who say, I need 10 feet here and 10 feet --

You know, they -- and each time we looked at them, and our only response is, how do we evaluate that comment? You could be a hundred percent right. We -- we don't know. And no one's told us why -- no one's really, you know -- when we've kind of talked about the camp one and why that wouldn't, and then on the other ones we can't honestly go back to the person who made the comment and go, we didn't accept your comment because of X, Y, Z. All we know is, you know, we don't know how to evaluate. So I'm saying those comments we -- we've considered, that they have given to us.

MS. BURTON: Got you. October '19.

MR. BENEFIELD: Okay. Okay, yeah. Whatever that turns into. I just -- I'm -- the people who did things before they came to us, I'm sorry they couldn't have come to us and made a comment and we could have helped them.

MS. JAHNKE: I also think hearing from you and how you make your recommendations will help us to articulate an appropriate recommendation to the Commander about any policy changes that -- that we think might be appropriate. And we might recommend nothing based on what we learned because -- for whatever reason, or we might recommend something. I don't think we have enough information to know what to do here. Okay? All right.

MR. COX: I have a question.

MS. JAHNKE: Yes, Patrick.

MR. COX: Maybe to Becky -- or -- so if you look at the rezoning to add LDA in the matrix, the alternative matrix that was put out in November, you know, it addresses increasing LDA, which we're not suggesting that's what we're focused on, but why wouldn't we have some process to where these things would be shifted around to where they make the case, meet all

this criteria? Why would we end that anyway, to say three or four years from now, if you've got a good situation or a viable shift, under this scenario, it's just an automatic no.

MS. THOMAS: What are you looking at, Pat? Are you on a page of the Shoreline Management Plan, or what are you -- where is that matrix you're talking about?

MR. COX: So if you go to our committee web page, the Oversight Committee web page, scroll down to November, it has shoreline zoning, dock zoning, facilities, vegetative modifications, and alternatives. So this is basically outlines every aspect and the preferred financing essentially that's staying the course with everything the Corps is planning to do, it's in green. We can just march through this, and it really gives you a good outline of changes. You see no-action three, which is a 1996 finding. It's just basically current situation, and then the new plan is four, the Alternative 4. Maybe you could put that up on the screen there.

MS. TANNEHILL: I'm working on it.

MR. HUNT: So I'm looking as to right

now. I wonder if we're kind of talking around it, maybe I'm not understanding it. But, Pat, you're talking about what if they could just make a swap instead of adding LDA?

MR. COX: Yeah, I'm not adding LDA. It's just being able to modify it, okay.

MR. HUNT: The last part -- because the title of that row is "rezoning to add LDA." So my read of that is that that box, the "do not allow new rezoning requests," requests to add LDA until existing zoning is full.

So I would read that to mean, if you wanted to do a rezoning swap or shift, that you could as long as it wasn't adding net LDA.

MR. COX: Yeah. If you go to the next box over, in parentheses it says "allow new rezoning requests in evaluating existing requests."

MS. THOMAS: Pat, what page are you on?

MR. COX: What page?

MS. JAHNKE: He's -- no, go back. Go back to the home page. I found it.

MR. COX: Okay.

MS. JAHNKE: He's looking at --

MR. COX: Under November.

MS. JAHNKE: Yep, he's looking at that. No, right above it. There you go. And it's just a spreadsheet. That's what he's looking at.

MS. THOMAS: Okay, so there we go. I was so confused.

MR. COX: I guess what I'm saying is, we're not suggesting additional LDA, that some mechanism whereby LDAs could be modified, you know, by a sole landowner you will meet all the criteria and at least it means it would be evaluated. It doesn't mean it's going to be approved, it doesn't mean you have a better shot at it, but it's not an automatic no because you timed out.

And everything that's in queue right now, we've sworn off on everything. They can still be alive, you know, through the course of finishing all this up. They can, you know, make their case in the future. They'll have some mechanism to do that. And that way, you know, we don't have to go through all these one by one, and for us to make the determination. Let the Corps make the determination based upon their existing criteria. But they don't even

get a day in court if we adopt the plan as-is because the criteria wouldn't even be applied. It's an automatic no.

MS. THOMAS: So you're saying -- just to clarify, Pat, you're saying that you would like to recommend that they -- that they have some type of policy in -- either in the Shoreline Management Plan or just in practice, that they evaluate LDA requests in between Shoreline Management Plans, if you will, like they evaluate them as they come in, kind of thing, and not use the, well, it's in the Shoreline Management Plan --

MR. COX: Yeah.

MS. THOMAS: -- so you can't.

MR. COX: An existing LDA area could be modified under certain criteria. I mean, we're talking about, you know, the shifting of it over a bit or creating new area. Maybe it's even a tradeoff where you've got a thousand feet and you want to go this way a hundred feet or cut it off that end, shift everything down. You have got less area but it's over here where, you know, your property's flatter and it's a better, you know, slope and it's a better position for

something.

MS. THOMAS: Is that what you do now, though, with existing property owners?

MR. COX: They're not going to if this goes through.

MS. THOMAS: You would not do it if we approve the Shoreline Management Plan?

MR. COX: Now it's -- yeah, a red line's a red line, and it's not moving.

MS. THOMAS: Okay.

MR. HUNT: Is that true? Can the Corps clarify on that?

MS. TANNEHILL: Yeah, it's --

MR. HUNT: Under the preferred alternative on your alternative matrix, would the -- under the preferred alternative, would that be the case, that no rezoning will occur, period; and so all LDA is full?

MS. TANNEHILL: That's under the current draft.

MS. THOMAS: Oh, I guess I misunderstood.

MR. HUNT: Under the current draft of the preferred alternative?

MS. TANNEHILL: Yeah. So Title 36

tells us that we cannot change or update zoning allocations, maps without a public update.

MR. COX: Correct.

MR. HUNT: And I think we need to find out -- we're talking about an existing zoned area, modifying it in some way. Is that allowed?

MS. THOMAS: I think I'm confused again, so let me just clarify this or try to clarify this. So we've talking about if someone owns a piece of property and they want to shift LDA one direction or another, it sounded to me like we were saying that you entertained those requests at times? Obviously not all -- you didn't approve them all the time, you couldn't or whatever, but that could be done.

MS. SHORTT: We only do that during the Shoreline Management Plan update.

MS. THOMAS: There's where I got hung up. Okay. Okay, got you. I guess I was assuming that we were doing that kind of as we were going along, but only now, only right now, okay. So what Pat's saying is --

MR. COX: Prior to 2003 --

MS. THOMAS: -- we need to have that

built in somewhere, if it can be.

MR. BENEFIELD: I think what I heard is that the law says you can only do it during a Shoreline Management Plan, and that's why I keep going back to these requests that, which we don't do them now, and I'm not saying we should.

MS. THOMAS: Right.

MR. BENEFIELD: But this is their window. They have no other window until the next time it's open, that we can change the policy so that next time -- well, we can recommend that next time they open it up, that policy doesn't exist, we can push it down the road by taking the policy out. But if any one of our people need relief right now and it's legit, we all agree, Corps and we would agree, they can't get it until the next Shoreline Management Plan.

MS. THOMAS: Right. Okay.

MS. JAHNKE: All right. So -- so that we might be able to move on, can you read the recommendation or the request for information, that way we can vote on that and move on?

MS. THOMAS: So what I -- I'm not sure if this is exactly your words, but we would

recommend to the Corps or the Commander, however we need to state that recommendation, that they review rezoning requests received since October 2019, not using the 2003 policy to evaluate or deny those requests. That needs a little wordsmithing, but that --

MS. JAHNKE: Okay. So I don't think that needs to go to the Commander. That's just going to Corps staff.

MS. THOMAS: Okay.

MS. JAHNKE: Right? Oh. Dana?

MS. COBURN: If you're making a formal recommendation, that would be appropriate. But if you're requesting further information, not making a recommendation, it would be directed to Corps staff.

MS. JAHNKE: Okay.

MR. BENEFIELD: So the one thing we're doing is we're asking the staff to present to us in September a look at the rezoning requests that have come in and are -- through public comment, that they look at them and not considering the 2003 policy, do any of them merit adjustment? I'm sorry, I'm changing the words all up on you.

MS. THOMAS: Yeah, I'm like, this is going to be a four-page --

MR. BENEFIELD: Yeah. I'm just -- so to me, though, we -- this doesn't have to be as formal because we haven't been this formal on our request to the staff. You know, they need to go back, find those requests we've received and evaluate them outside of the 2003 policy. And then I'm still saying that we reserve a potential request to the Commander that future -- the 2003 policy is not utilized to deny zoning requests at future Shoreline Management Plans. So that's something we can do later.

MS. JAHNKE: Right. And that's exactly what -- what I had tried to intend, so. And so we probably don't need a formal motion.

MR. BENEFIELD: We don't.

MS. JAHNKE: Because we're just requesting information. This is not a recommendation to the Commander yet.

MS. THOMAS: Okay.

MS. JAHNKE: Okay.

MS. THOMAS: All right. So we are asking the staff to review rezoning requests

received since October 2019, evaluate them not using the 2003 policy, and present that -- those evaluations to us in September?

MS. JAHNKE: Yes.

MR. COX: All right. I have a quick question for staff.

MS. JAHNKE: Okay.

MR. COX: The Title 36 roadblock, now, is this regarding the percentage of LDA or is it actually applicable to the red line itself? In other words, every single red line has been placed and changed, or is it just the allocation overall?

MS. TANNEHILL: It's the allocation overall.

MR. COX: Right. So -- but what I'm saying, if you had a modification, you know, policy or ability, then, you know, with an allocation -- of a new allocation it's just the existing allocation that's on your property and you qualify under all the criteria, you can always look at the possibility of modifying it. That would -- that would capture of a lot of what's in the queue right now.

MS. SHORTT: Is that 36?

MR. BENEFIELD: Yeah.

MS. SHORTT: Why don't you read it?

MR. COX: Whereas if we go with just what they're recommending --

MR. BENEFIELD: Yeah, I've got --

MR. COX: Do you see what I mean?

MR. BENEFIELD: I've got Title 36 here. I won't read it all to you, but it talks about the shoreline allocations, they'll be kept on the map at the office and so forth. Then it says, "no changes will be made to these maps except through the formal update process." So we can't change --

MR. COX: Okay.

MR. BENEFIELD: -- any allocation except during the formal update, which is now.

MR. COX: All right. No changes in that means no moving red lines. Okay. So that's good. That's what I was asking. So that's --

MR. HUNT: So then the question is are we trying to correct -- yeah, do we want to recommend that they update -- that they -- that they accept and consider rezoning requests all the time and change the map all the time? Or do

we feel comfortable letting them do it on this kind of renewal cycle with the update to the management plan? I -- I -- I'm -- maybe I'm just like totally not following. I still don't know what would actually become -- it seems like they do what we're wanting them to do?

MR. COX: Yeah, you are saying exactly what I was saying previously. If it denies it, they could -- again, not creating new areas, but at least if it's just a quick, you know, examination and determination, deal with it, address some modifications, you know, next year, or the year after, or the year after because if we just close the door completely, there might be something that has a lot of merit and could be beneficial to all the stakeholders that just cannot even come up for discussion because it's been shut out during this tight window of, you know, the process.

MR. HUNT: Okay, okay. But this window is different than the 2003 number we've been -- talking about. And I think that's why we're confused. I think we're talking about two things.

One is, do we want them to review and

consider rezoning applications more frequently, which I think is what you were just saying, Pat, like a year or two years or something instead of five or ten years. And then the other is, and we're kind of hung up on this, do not allow new -- received after 2003 -- rezoning requests.

And we're wondering, should we get rid of that number, 2003. I think those are two different thoughts, though. I mean, I don't think the 2003 thing prevents what we're talking about, which is rezoning without adding LDA. But what gets in the way of what we're talking about, of like a person that wants to change their zoning on their part of the shoreline that doesn't get it in under this window, they have to wait for five or ten years, that's a different request. That's a request to say, we recommend that the Corps figure out to how to readdress zoning, designation requests between the Shoreline Management Plan updates.

MS. HARRISON: Ryan, is that Chapter 36 or Article 36?

MR. BENEFIELD: Yeah.

MS. HARRISON: I think in the very beginning when we started here, when Kevin was

here they talked about something -- of some things could be changed, or the Commander could approve, but some things had to go -- what is that called, the act of Congress or something, to change it? Is that what that --

MR. BENEFIELD: Yeah, this is Title 36 part 227. This is nationwide, Corps-wide. Yeah, it's --

MS. HARRISON: Nobody has got some options here, they have variances, I guess is what I'm saying. So that second thing or first, whatever, was mentioned where we said, could we get you to change it that it doesn't have to be during an SMP review. You're saying because of that law, federal law, doesn't matter.

MR. BENEFIELD: Yeah, this is our -- yeah, we cannot change this --

MS. HARRISON: But we're saying we can't recommend that, because it's -- it's a nonissue?

MR. BENEFIELD: It would be very difficult to update Title 36, yes. I mean, just because of something we want to do here at Table Rock Lake, it's like saying -- it's -- it's a, you know -- it's for the entire Corps of

Engineers.

MS. HARRISON: But do you think it's worthwhile to say that that's something that's come up here and we have a concern with that, so can we relook at that?

MR. HUNT: I do. It's a public record. We're making a public record here, so I think if the Committee wants to put it in there, we should. Whether we think Little Rock District can do it or not, we're going to be on the record. But I think it's worthwhile, personally.

MS. JAHNKE: So, Rob, do you want to make a formal motion at this time, or is this one we keep on the list to write that up next time after we hear the evaluation?

MR. HUNT: I, Rob, am personally pretty agnostic about this recommendation. If I was the Corps, I would not want to be drawing a map every three months if someone requests to move this 100-foot portion of shoreline. But if it's something the Committee as a whole thinks is important, to give the Corps an opportunity between the five-year windows, then I think, you know, policy-wise it would be worth including in

our recommendation, that I would rather someone else make that recommendation if they feel strongly about it.

MS. JAHNKE: Okay. I'm going to leave that on the list and we're gonna move on to see if we can tackle one other piece. So does someone want to pick one that they are in -- particularly concerned about?

MS. THOMAS: Can we just go ahead and talk about vessel size limit, which was on this third list, I believe?

MS. JAHNKE: Yes.

MS. THOMAS: Can we just get that off of our list? Corps, I'm looking at you all. Can you tell me why? We can get that off of our list.

MR. BENEFIELD: I would say it would be more of a state law. I mean, like the state's the one that sets the nighttime speed limit, or things like that, using your lights at night unless you are so close to the shore, if you're fishing. I would say the only reason that the Corps could is if the district Commander deemed it a safety -- you know, like a certain -- he put certain restrictions on the lake, kite

tubes, you know, years ago. Things like that, it was safety. But to be honest, I think it would be a state, a Missouri State law if they're going to restrict size of boats.

MS. JAHNKE: So -- so there's currently on -- on your lakes within the region, there are no limits as to boat sizes?

MR. BENEFIELD: Not to my knowledge.

MR. COX: No. And if you look at, you know, all the slips outside of marinas, that's going to be limited to 30 feet, so that's pretty much self-correcting, and the marinas, you know, have some wake, but actually not that much for large vessels.

MR. BENEFIELD: And we have --

MR. COX: Just speaking for trend --

MR. BENEFIELD: Sorry Pat, go ahead.

MR. COX: Yeah, just speaking of trends, there's not a lot of large vessels coming in or being sold. And there's not a lot of room for them left in commercial marinas, so I wouldn't think even if it became a hot product that you'd see more than 15 to 20 percent of boating capacity on the lake slip side to handle itself. So pretty much a moot point in my mind.

Now we come to speed and operational things, yeah, that's a concern. There's highway patrols all over. That will be -- there's a good mechanism for that.

MR. BENEFIELD: And we have had in place for several years a maximum slip size of private community dock is 30 feet. So we're -- there's no new slips going in over 30-foot, you know, except like the marinas. The marinas have some to accommodate the larger boats, but you won't see more at the private community docks.

MS. JAHNKE: All right. Does that knock that one off our list?

MR. COX: Yep.

MS. JAHNKE: Okay. All right. Very good. Which other one do you want to tackle?

MR. HUNT: Do we need to make a recommendation about carrying capacity, or does everyone like the number that they've got in the proposal, kind of 30,806?

MS. THOMAS: That's going to require some discussion on my part.

MS. JAHNKE: Yeah. And -- and -- and yeah. And then what -- what would the recommendation look like if we make a

recommendation that either that gets looked at again, looks -- gets looked at again in a different way? So Sheila, why don't you --

MS. THOMAS: So my -- my only, I guess my major point with the carrying capacity section is I -- and maybe I'm again misunderstanding it a little bit. I don't think so. But I feel like it, when we get to that point where we have hit the -- I'm looking for the number.

MR. COX: 30,000-something.

MS. THOMAS: 30,000-something, yes. That 30,806, if we get to that threshold, and I realize that may be many years, but then we've cut ourselves off. We've effectively said we're -- we're done at this point. No more, until we update the Shoreline Management Plan again, which could be 20 years from that point, we don't know.

I just -- I feel like maybe we should add some type of provision that says when we hit 50 percent, 75 percent, some 80 percent, I don't care what the number is particularly, but that we -- we are doing something proactive prior to that time to make sure that that number is

actually still good, versus waiting until we get up to that number and then boom, we're done, we're just done. And so it's like, I'd just like to see some type of provision that says it will be reviewed at some percentage level. Because that's a hard cap number.

MR. HUNT: We can leave that for the Corps, maybe we can leave -- if our recommendation was something like we recommend the Corps complete an additional carrying capacity study including, you know, public outreach when the -- when we reach the threshold of 50 percent or greater of the listed carrying capacity.

MS. THOMAS: Yeah, that's exactly what I -- what I'm talking about. I just don't want to wait. Because it's -- and it's not directed necessarily at the folks here at Table Rock. They only get funding when they get funding for a Shoreline Management Plan. And so, you know, we could be sitting at that limit and it's like well, we're shut down, we're at that limit forever and ever and ever. And we may have some different pattern usages, we may have -- things may -- you know, they could totally shift to the

west, we don't -- I mean, we don't know and -- but we're stuck at that number. We're stuck.

MR. BENEFIELD: Yeah. The draft plan states "the PDT suggests that when funding becomes available and not later than when the lake reaches its midpoint, approximately 26,000 access opportunities to the threshold, that another carrying capacity study be completed."

MS. JAHNKE: So -- so maybe our recommendation is not just what whoever said it, but that -- that we recommend to the Commander funding for this? I mean, because that's all contingent on funding, right? So -- so is this the place that we put that stronger statement about funding in along with the overall recommendation?

MS. THOMAS: Yeah. Or it's not an option. It's not "suggest." It's not like -- it will be done. It will be done.

MS. JAHNKE: Well, then I think -- I'm going to say, you've got to fund it.

MS. THOMAS: Well, yeah. I mean, you're saying you're fund -- you're committing to this, yes, at that moment.

MR. HUNT: You can -- I don't think --

I don't know how much of that's up to even the Corps. I think it's probably Congressional, for whether they determine how the budget is laid out.

MS. THOMAS: Yeah, but they can allocate.

MR. COX: Being in the business, I'll give you my two cents. Can you guys hear me?

MS. JAHNKE: Go for it. Yes.

MR. COX: Yeah. I think -- I think in the scope of the Committee, this is one we let lie because first of all, it's a very valid study, if you look at the 10 acres, that's generally accepted. In fact, that's probably on the generous end compared to other lakes.

We have a lot of runway to look at and several opportunities already in place where it's going to be readdressed in the future. And it's gonna be 20 years before we would reach that in our growth rate, so it's a self-correcting market mechanism that's happening.

There are no slips on the lake that aren't being utilized. There's a lot of older boats, generational changes. Boating itself,

while it's, you know, being strong this year, may look a lot different in 15 or 20 years. And I think it would be difficult for us to recommend something better than what they have in place.

They have an excellent study, it's certainly not unfavorable to, you know, commercial entities or development now. And frankly, it's probably better than what I would have expected compared to some other lakes that I've operated on and am familiar with. So that's my -- that's my feedback on that.

MS. JAHNKE: Ryan, did you have something?

MR. BENEFIELD: You know, I thought if we -- I mean, I'm open to either way, but if we thought it was important, I don't think there's harm in making the recommendation, even if we don't have any control over it, because if the Corps wants to do it, they could use our recommendation as justification to seek the funding if we have any there, so -- but I mean, that's -- that's up to you all. I just thought -- just because it doesn't -- the recommendation doesn't really mean anything

doesn't mean we shouldn't do it.

MS. JAHNKE: That's true. So were you able to get something written down in terms of a recommendation to the Commander?

MS. THOMAS: I did not write, no, because I was busy talking.

MS. JAHNKE: No, that's all right. That's all right. It's okay.

MS. THOMAS: I'll stop talking now and write.

MS. JAHNKE: Rob, do you want to try restating what you said?

MR. HUNT: I'm kind of interested in a few of the things to what Pat said, just like as an impression --

MS. THOMAS: Well, I don't disagree with Pat very often, but we might disagree on this one. I feel like it has to be stated. I -- I just -- I want people to understand --

MR. COX: I'm just saying, if we get to 30,000, we're going to be done, folks.

MS. THOMAS: That -- that well could be, but I think --

MR. COX: That's a tremendous number.

MS. THOMAS: -- without any other

input --

MR. COX: Unless we want to be Lake of the Ozarks. I mean, that's what you're going to be looking at if you want to get to that kind of density. And I think we be killing the golden goose if we got any higher. And we have got a lot of runway left. And I think it would be addressed in the future, guaranteed. So it's not really a concern of mine right now.

MR. HUNT: Well, I would think, to be fair, I mean, the special study, it could work either way. I mean, we could get to the carrying capacity or we could get to 20,000 access --

MR. COX: Well, the thing is, is there's no way to get there because unless they start building, you know, massive parking lots and boats, if you look at what capacity is left on the shoreline for boat docks, you know, there's not that much. And the marinas don't have that much to expand. So that's -- that's where we're going to be, capacity restraint before we even get to the 30,000, you see what I mean?

MR. HUNT: I do. I don't know where

the lake's at right now, but my point was going to be that a study -- a study at some point would be valuable because it can also enlighten the Corps if they need to lower that number or something, as well as if they need to raise it.

You know, if they get -- the public opinion always changes, and they say the lake's way too crowded now and we want that number lower, it could go either way, is all I'm saying. So it's not necessarily a study equals a larger carrying capacity. I think if the group thinks it's important, that we could put in some things. I don't know, I'll leave it to discussion first, and then I can -- I think I can think of some wording.

MS. JAHNKE: Okay. Twilia?

MS. HARRISON: Well, you said in there that it was a funding for the capacity study, right? And we talked about the Shoreline Management Plan. How many years go by before they're allowed to do another one? Maybe the funding should actually be to say that there's a timeline for the Shoreline Management Plan so they get the funding they need to do that on a more timely basis, and then the capacity study

would be done.

MS. THOMAS: Good point.

MR. COX: Well, let me add this. The new capacity study that we're talking about doing, it's just going to create -- it's just going to be higher. If you look at Beaver, it's 15 acres, okay, and we're at 10. So it's not necessarily -- if you are concerned about that growth number being too low, it's not going to be good favor. You know, as more data is available, more sophisticated measuring techniques, it's going to produce probably a lower-capacity in the future. So I think we let this sleeping dog lie.

MS. THOMAS: I'm just concerned about the -- you know, this is access opportunity, so it could be parking spaces. It could be ramps, it could be all kinds of -- all kinds of types of access opportunities, and if -- if the boating patterns change and we have not updated the carrying capacity study since 2009, we don't have good data. And if we don't have good data and all of a sudden we're at this 30,000 somehow and -- and we can't do anything else until a new plan is updated, I just feel like that is

really -- the public then has lost their ability to weigh in on any kind of this -- it just -- it just feels too restrictive to me. But I will go with what the group wants to do.

MR. HUNT: I mean, I would say it's something -- I've got some language, and then we could vote on it, or whatever the Commander wants to do. I don't think we're asking the Corps to do anything they didn't describe doing, but it would be asking them to sort of prioritize in their strategy and make sure it happens. And if we want to say something about funding, we can.

But I just wrote, "the Committee recommend that the Corps prioritize the carrying capacity study when the lake reaches 50 percent of its capacity." That would need fine tuning based on what the Corps -- you know, they read to what the actual statement is. So we'll want to reflect that language, I think, about what the -- what the trigger is for that new study. And then obviously the front half of that has to match our other ones the Committee recommends to the Commander, what you want to say.

MS. JAHNKE: Okay. I'm going to have

you repeat that, yeah, so that Sheila can get it written down.

MR. HUNT: You want me to repeat it?

MS. JAHNKE: Please. Yes.

MR. HUNT: Okay. The Committee recommends that the Commander prioritize the carrying capacity study when the lake reaches 50 percent of its capacity.

What I'm saying is, we'll need to mirror the language the Corps just gave us about what the trigger for that study was because I don't think it's what I just said. It's something like that, but I think we want the language to be the same.

MR. COX: So let me make sure I understand correctly. Are we concerned that the current capacity stated, which is 30,000, that's too low? You have to understand that encouraging a new study, a 50-percent capacity, it's going to lower that number at that point.

That's sort of counterproductive because you've got a lake just south of us with a 50 percent higher requirement than we have. So in the big picture, we have a -- taking care of our visitors and our landowners, we have a

pretty -- we have a very high capacity number right now. It's never going to get higher than it is right now.

(Audio Dropped.)

-- the study is going to produce.

Do you see what I mean?

MR. HUNT: I do, and to me it's clear that we don't have agreement across the board, so -- I mean, to vote. But I just -- I'm wondering if people are wanting more discussion on this, or to vote on a recommendation.

MS. JAHNKE: Right. So would you read -- read the motion here, and -- and that way we can focus on either altering that and/or getting a second and moving on.

MS. THOMAS: The Committee would recommend that the Commander prioritize funding for a carrying capacity study when the lake reaches 50 percent of its capacity.

MS. JAHNKE: Okay. Is there a second? Or is there a -- or are there any friendly amendments?

MR. COX: Let me just get one more shot at clarity. I'm currently building a marina in Oklahoma. By requirement was to do a carrying

capacity. It comes back at 16 acres per boat. We're at 10 acres per boat.

MS. THOMAS: That's a valid point.

MR. COX: So to do a new study, it sort of, prioritize it or really supportive of that is, if we're, you know, we feel like Table Rock is, you know, [indiscernible] more commercial access than Beaver. It has more visitors. So yeah, maybe it warrants to have that higher density. But we are never going to get higher than we are now. 10 acres is a good number.

MS. THOMAS: Well, you might be right, Pat. I hadn't really thought about that.

MR. COX: Yeah. I mean, just putting it in perspective. Keep in mind, it's -- so there's also another function in the equation, and that is, of the 30,000 at this point, then what's the allocation of then utilizing that? In other words, how many people are actually on the water and active and so forth?

And we have a lot of access points, parking spaces, full boat docks, this and that, that are dormant. And the market is, there will be some restraints on that. There will be some market forces that, you know, will take place

where people will then sort of replace docks, improve stuff. You know, there's a mechanism for that. Instead of just adding more and more and more, you can maybe see the quality go up too.

MS. JAHNKE: So you're -- you think the threshold is -- the 30,000 threshold is good?

MR. COX: It is good. I'm saying, you know, per -- you know, if you're pro-visitor, pro-activity, it is a good number.

(Multiple, Simultaneous Speakers.)

MS. THOMAS: And the threshold doesn't make you nervous?

MR. COX: No, like I said, I -- I had to prove out a scenario in Oklahoma and it came back 50 percent higher, meaning that, you know, we had to put in a smaller marina because of that. Had it been 10 acres, you know -- so you know --

MS. THOMAS: Well, that's a valid point.

MR. COX: -- as a commercial operator, that's the impact of -- perhaps of studying it because a new study most likely is going to produce a higher per acre per boat.

MS. THOMAS: Well, that could happen, you're right.

MR. COX: Not to say that -- not to say that the 2009 wasn't good. It was thorough, I was involved in it. And I'm not saying it's not active, because it is.

MS. JAHNKE: So --

MR. COX: To me it's a good middle ground, it's a favorable position for all stakeholders.

MS. JAHNKE: So --

MR. COX: And there's a lot of room left that there may -- there's not even available shoreline or parking that would fill that up. In other words, create those spaces, that's an opportunity.

MS. JAHNKE: So --

MR. COX: If you look at the LDA and the size of the marina.

MS. JAHNKE: Yeah. So we don't have a second on this. I would recommend at this point that we leave it in the minutes. It's not passed, it's not seconded. And that way when we come back, if somehow we feel strongly about it at the next meeting, we can do something.

So I want to take a two-minute -- not a break, but just a logistics thing. It's 2:00. It's clear we're not gonna get through this list today. So -- so I think September we meet again and we finish our list. At least we have a list, okay? And then we're gonna have to have a meeting past that.

So help me, remind me, Dana. We have some training to do this afternoon. So that as I structure further and see how much farther we can get versus making sure we have time for training and we're not here until 8:00 tonight because that's not -- I'm not interested in doing that. I don't think any of you are either. Help me frame this, please.

MS. COBURN: Okay. So you do have ethics training and Hatch Act training, and that will be about an hour, hour and a half, give or take.

MS. BURTON: That will be a closed part of the meeting because it is administrative. I'm sure the public does not want to sit through an hour and a half-plus, ethics training and Hatch Act training. So at that point when you are ready to adjourn this portion of the

committee meeting, we would then adjourn the public virtual meeting and then move to the administrative meeting for training.

MS. JAHNKE: Okay. Thank you. So committee members, tell me when you want to start training. How much more time do we have for discussion? And we'll try and keep things moving and try to get through a couple more things, and what time -- yeah, so that -- Ryan?

MR. BENEFIELD: I'm okay. Let's try to get as much -- I'd rather get as much done. Because I know Dana doesn't want a sixth meeting. No, I mean, I'm good. Don't worry about me in that regard.

MS. JAHNKE: Okay. Twilia?

MS. HARRISON: I'm fine, whatever you want to do.

MS. JAHNKE: Sheila, anything?

MS. THOMAS: No.

MS. JAHNKE: Rob or Patrick, any time constraints here this afternoon?

MR. COX: No. I'm good for all day.

MR. HUNT: I'm good.

MS. JAHNKE: Okay.

MR. HUNT: I was going to say, it's

really a fair question because I'm answering from a recliner in my own house. SO LET'S GO UNTIL 8:00.

MR. COX: Wow, I'm in the pool. That's funny, you're on a recliner. No, I'm not, I'm joking.

MS. JAHNKE: Okay. All right. Is there another topic that you want to spend some time on here now, or do you want to -- just me go down the list?

MS. HARRISON: Just do the solar panels. It should be pretty simple.

MS. JAHNKE: Yeah, how about the solar -- solar power for docks?

MS. HARRISON: Right now they don't allow any more electric, right? They don't have an alternative, the Corps does?

MR. HUNT: New docks.

MS. HARRISON: New docks?

MR. HUNT: New power to docks.

MS. HARRISON: But I thought that the presenter that was here made a good point of maybe there could be some like accredited or certified recommended or approved by the Corps, so you are not getting what someone like he was

speaking about, that has no clue what he's getting into.

MR. BENEFIELD: I am anxious to hear your perspectives. But I actually thought they did a pretty good presentation showing that solar panels was a viable, cost-effective alternative for new docks.

So I'm honestly -- I mean, I'm open -- I'm the least knowledgeable on that subject of anyone on this panel; but it seemed to me that that's one that we could leave alone. Pat? Pat, I'm interested to hear your take.

MR. COX: Yeah. Yeah. Solar is required now for new docks, and under their suggested alternative, 2027 is when all docks need to become solar, private. That is correct, correct? Isn't that the number? I don't have in front of me the year that everything needs to be switched over.

MS. JAHNKE: They are looking it up.

MR. COX: My recommendation is that, you know, the year was that 2027 was put down. Let's just give it a solid ten years from -- you know, so let's make it 2029, take it into practice, and let's see if we can communicate

new docks are going to continue to be solar and all the existing have ten years to switch over.

MR. HUNT: You're right. That number for the preferred alternative conversion must be complete by December 31, 2027.

MR. COX: Yeah.

MR. HUNT: And for all private docks.

MR. COX: Yeah. So another two years since that was put in. So I think we need to push it back to, um --

MS. SHORTT: This is Becky with the Corps. So after the draft public meetings that we had, we had a lot of comments against requiring everyone to go to solar, and so the current draft plan that we have does not require everybody to convert to solar. It requires that all new docks placed on the water have solar power, but it does not give a sunset for the existing lines that are out.

MR. COX: Oh, okay, that's new information. Are any of those categories under -- under your suggested alternative, are the rest of them the same? Is that the only one that's sort of been modified since all the feedback?

MS. SHORTT: That's correct.

MR. COX: Okay.

MS. SHORTT: We only made changes to the draft alternative.

MS. TANNEHILL: The current draft is on the Oversight Committee web page under the November of 2019 heading.

MR. COX: Yeah, I'm interested in that PowerPoint. If that's not updated, no big deal.

MR. COX: Well, that's what -- I've got that November thing and it's got that 2027 number in this still. So is that not updated?

MR. COX: No, it's not, but I think we can move on. Solar is -- everybody has already addressed that. Based on the feedback, they made that determination. We need to respect that and move on.

MS. JAHNKE: Okay. All right. So it sounds like we can move on from solar power for docks and that we're comfortable with that.

The next one on my list is the commercial remote service dock program.

MR. COX: As I said earlier, because I don't want to be an advocate for, you know, self-interest, I will say that the one negative

on eliminating this is that folks that currently may have that option, not that they would even qualify, nobody would qualify for 10 years. So that would be in a way -- and it's not replaced with any other opportunity, it's actually the shoreline just goes back to the no zoning or, you know, basically a closed status.

So just speaking about general land ownership and people that have an interest and have an option, that that would not be there. I personally don't have any remote service docks, don't have any plans, but that's my 2 cents.

MS. JAHNKE: So Becky, let me get a clarifying question. So all current remote service dock approved places are grandfathered in? Is that right? Is that what your presentation from last time said?

MS. SHORTT: I'll -- under what we have proposed in the current Shoreline Management Plan, all existing remote service docks would be grandfathered in as they are, where they are. Not all sites would be grandfathered in. There are currently approved sites that have not been utilized, so there would be no new commercial remote service docks after the one-year sunset.

MS. JAHNKE: Okay. But the current ones that are in current use would be grandfathered in?

MS. SHORTT: The current docks.

MS. JAHNKE: The current docks, okay.

MR. BENEFIELD: For those sites that you said aren't being utilized, are those in some sort of ownership or real estate contract, or just sites that someone could come to you and say they want to do?

MS. SHORTT: That's correct. They're not under any type of real state grant. They're just sites they could come to us and request use of.

MS. THOMAS: I -- I really hate to end this program because I do think that there's some misunderstanding about it. I think people don't realize that the land will not -- not go back to LDA. It's not like -- you know, they sometimes -- you'll sometimes get a comment that says, well, we don't want -- you know, the marina shouldn't be allowed to expand. Well, but it's not LDA there. So it's -- it's -- nobody's going to be allowed to expand there.

I know that there's some properties in

Kimberling City that would be served by this -- could be served by that program, but if it's taken away, there will never be any opportunity there. And I go back to what Becky said about the comments, and there weren't any negative comments in the Master Plan process. And during the Shoreline Management Plan process there were five comments in the positive, and the focus group approved the recommendation of the commercial remote service dock program.

So I really hate to go backwards on this. I know that they said that they get a lot of comments out in the field and I certainly understand and respect that. But I just -- I think people are missing what their opportunities are with this program. You take it away and then they all of a sudden figure out that there's never going to be a dock there. And I think the comments would change slightly if they understood that.

MS. JAHNKE: Other comments from committee members?

MR. COX: As related to this, the ability for resorts who need to be converted to a remote service could have real benefits in the

future. I don't know if anything has currently been discussed, but that's part of it. I don't know if that can be carved out, or -- we know this is a one-off. This is a Table Rock creation unique to the country and probably just gets a lot of attention as sort of a redheaded stepchild at the -- at the higher-up level. And they still may decide to eliminate it. That's the way they're leaning. So keep in mind it's not going to matter what we recommend. It's the division level that's decided that we're trying to have a one-off in the entire country.

But all the mistakes with it, all the docks in backyards, that's a thing of the past. The new requirements are so tightly drawn up, that even if the plan was to continue, that wouldn't happen. That would have to be a scenario where, you know, somebody bought up a series of homes and repurposed it and wanted to have a remote service dock to serve a resort or something in the future. That -- that might be the scenario.

But I -- I don't want to suggest it either way because i feel like i have a conflict, that's a conflict of interest. So

that's the last thing I'm going to say.

MS. JAHNKE: Okay. Anyone else with an opinion on the remote service dock program? Or questions or comments?

MS. THOMAS: I would like to see us make a recommendation. I would be happy to make a motion; and if it doesn't pass, that's okay.

MS. JAHNKE: Go for it.

MS. THOMAS: I would make a motion that we recommend to the Commander that they not discontinue the commercial remote service dock program.

MR. BENEFIELD: I'll second it.

MS. JAHNKE: Okay. Once you get it written down, I'm going to have you read it again and then -- and then we'll do -- we'll do a discussion, further discussion on that.

MS. THOMAS: We recommend to the Commander that the commercial remote service dock program not be discontinued.

MS. JAHNKE: Okay. And we have a second.

MS. THOMAS: We might use the word "eliminated." That's what they use in this.

MS. JAHNKE: Okay, eliminated. All

right. And we have a second. So further discussion?

MR. BENEFIELD: I know this is a -- this isn't a great reason, but I've heard all the pros. I've not really heard why they're bad. So that's why I'm comfortable making the recommendation because I really haven't heard anyone present to us on why they should be eliminated, other than the fact that they are this unique thing to this lake. But that could be an argument to expand it, not eliminate it. So --

MR. HUNT: Some of the comments we got related to -- and I think Pat kind of talked about how hard this is to do now, but neighborhoods and things get a lot of passthrough traffic to get to these docks where they're not set up to handle the marina traffic.

MS. JAHNKE: And at least in the --

MR. COX: Exactly.

MS. JAHNKE: Yeah. In the written comments that we got, for those that mentioned a remote service dock program, they were all in favor of it. There were a number, as I noted earlier, that said no more docks, no more boats,

but they typically didn't specifically say, no remote service dock program.

So I don't know how to read that into the comments or if it had -- if there was any relevance at all. So yeah, I'm coming at it, too, that I don't know that I see all the downsides.

MR. COX: Patrick: I would say most of the downside and (indiscernible) problems were based on how it was structured in the past, and the local office has done a great job of, you know, redrafting and creating a scenario where it doesn't put a boat dock in someone else's backyard and they're parking next door, commercial traffic is coming in and out.

It's so restrictive now, as I said, that no one's put one in, in ten years. It would just be a special situation. Frankly, it's kind of nice to have something like that to use; but you never know what scenario you might be needing that for. That's all.

MS. JAHNKE: All right. So we have a motion on the floor with a second. All those in favor of the motion, say "aye."

(Majority respond aye, with Mr. Pat Cox

abstaining from vote.)

MS. JAHNKE: Opposed, same sign.

(None opposed.)

MS. JAHNKE: All right. The motion carries. Thank you.

MR. COX: Can you make a note that Pat Cox abstained from the vote, please?

MS. JAHNKE: Yes. We can do that.

MS. THOMAS: I got it.

MS. JAHNKE: Thanks. Okay. The next one on my list is the no-wake buoys issue. So I don't remember where that's at. I'll go see if I can dig that up. But you might start looking at your notes for that.

MR. COX: Rod, this might be a good time to refresh our memories. You are not in the buoy business and never have been; is that right?

MR. RALEY: Technically, yes, the Missouri State Highway Patrol, Water Patrol Division is the one that issues the buoy permits.

MR. COX: And we believe them to continue that?

MS. THOMAS: I don't remember exactly

what the issue was here.

MR. COX: This is where you draw the line between, you know, the management of the sort of the resource, the real estate, the backbone of the operations before that. And then the water activities, water safety, the buoy falls under that category. That's why the Water Patrol, the Highway Patrol regulates that.

To my knowledge, it's worked well. I don't know if they had plans to discontinue it. Maybe that's the impetus behind asking the Corps to get involved in the buoy management; but that's not something I would recommend we burden the Corps with if it's being taken care of now, that's for sure.

MS. JAHNKE: I think -- I think the issue was the private boat dock owners wanted to put up the no-wake buoys, which is not part of what these guys have control over, what the Corps has control over. So as much as, you know, we might be in favor of that, it's not really within the purview of the Corps anyway.

MS. THOMAS: Can they apply to -- with you all and to the Highway Patrol to install a no-wake buoy? How's that work?

MR. RALEY: Yeah, they apply through the Water Patrol.

MS. THOMAS: Okay.

MR. RALEY: They have a -- it used to be a monthly buoy hearing.

MS. THOMAS: Okay.

MR. RALEY: But yeah, they have an application to apply.

MS. JAHNKE: Okay. All right, so --

MR. HUNT: Is that one of the --

MS. JAHNKE: Rob, go ahead.

MR. HUNT: I was going to ask you, is that the preferred alternatives that's been changed since the matrix that would have gone out?

MR. RALEY: Yes.

MR. HUNT: Okay. That's what the issue was because the preferred alternative as written in the PDF I'm looking at now says no -- "no-wake or mooring buoys allowed," period. But if they took that out, then that should address the concerns.

MS. JAHNKE: Okay. So that takes that off of our list.

Let's go to the next fun one,

vegetation permit guidelines and cedar trees.

MR. BENEFIELD: I have a recommendation.

MS. JAHNKE: Okay.

MR. BENEFIELD: Surprise, surprise.

MS. JAHNKE: Okay. Go for it.

MR. BENEFIELD: First, I do need to tell everybody that I am allergic to cedar. No joke. But this has nothing to do with my recommendation.

My recommendation is that we recommend that the Commander modifies the vegetative modification section to include provisions for a waiver of the requirements on a case-by-case basis. The Commander should include the provisions that may qualify the permittee for a waiver.

MS. THOMAS: I didn't write all that down, but I will.

MS. JAHNKE: Look at that.

MR. BENEFIELD: Just spell the words right.

MS. THOMAS: I'll try.

MS. JAHNKE: All right. Is -- as we're getting that written down, is there a second for

that recommendation?

MS. HARRISON: I can second.

MS. JAHNKE: Okay.

MR. COX: Okay.

MS. JAHNKE: We've got a second for the recommendation. Are there comments? And as soon as she gets it written down, we'll read it one more time.

MS. HARRISON: Does -- this one would help with the ones that we had in the public comments that apparently have been some condo unit or whatever that they're worried about fire hazard and view and whatever else with trees falling into our condos. Is that what this would address for them?

MS. JAHNKE: Potentially, it could.

MR. BENEFIELD: I mean, from my own perspective and I guess I'll argue from my view, is that it gives the Corps all the power to make the decisions, still it is a waiver process. So a waiver process in my world is -- is extraordinary. So it is case-by-case and a waiver. Normal permits would go like normal, meaning you get it, you can't cut the trees, you have to do it exactly the way it is.

But this would give an alternative for someone to apply for cause to get exception to those rules. Whether it's the home that had the trees are too close, to the condo causing a potential fire issue, you know -- and with a waiver, what my anticipation is -- I didn't put all this in the motion because it'd have been too long is that the Corps could easily put in requirements that, hey, if you're going to get a waiver, you are going to have a comprehensive vegetative amendments plan.

I mean, you can -- you know, this -- this just gives an avenue. And I'm not even saying how hard or easy that avenue, but it is an avenue, that somebody who has an issue in a site-specific case could get some relief from the Corps.

MR. HUNT: This is Rob. I think just for -- not related to this figure, necessarily, you know, if it's moving forward or not, but a thought i was having after our last meeting, I think there was discussion from the Corps about how the sort of like manpower it would require to go out and do those individual waivers, have foresters visiting the landowners. I mean, I

was curious if the Corps would form a partnership with the Department of Conservation to allow MDC private land managers to come and do assessments for vegetation management plans on those Corps easements and use that as like an accessible.

So like, Ryan, in your alternative, they would say, you can get a waiver; but when it comes to a vegetative management plan for you -- or if you get MDC onboard to write one up, we'll accept it.

That way that eliminates that sort of constraint if the Corps doesn't think they have the personnel to actually go out and do that, that there's still a way to make it work. I don't know that we needed to formulate that into a recommendation, maybe. But it's just maybe we could at least have it in the notes as a record of this conversation.

MS. JAHNKE: Thoughts?

MS. THOMAS: When we're talking about the vegetation modification permit or application, whatever we're referring to here, are we talking about specifically cedar trees? Is that what you're envisioning, or just the

entire vegetation?

MR. BENEFIELD: Yeah, I'm talking about more than cedar --

MS. THOMAS: Okay.

MR. BENEFIELD: -- trees.

MS. THOMAS: Okay.

MS. JAHNKE: So -- so Rob, would -- would -- and you don't have to do it now, but my question to you is, are you thinking like a second recommendation to the Commander to look at partnerships that could help with the waiver process or -- or the whole permitting process?

MR. HUNT: I do. I'll start working on some language. And then we'll see how this vote goes for Ryan's recommendation. And then we can add another one maybe that would be (indiscernible.)

MS. JAHNKE: Okay. Okay. Sheila, would you read the current recommendation?

MS. THOMAS: We recommend that the Commander modify the vegetation modification permit to include provisions for waiver of the requirements on a case-by-case basis. The Commander should include the provisions that may qualify the permittee for the waiver.

MS. JAHNKE: Okay. And this was seconded. Any further discussion?

MR. COX: I have a discussion point.

MS. JAHNKE: Okay.

MR. COX: And I was more focused on, you know, structure, protection, and safety issues that were brought up, communicated in great detail. And I was more focused on, you know, establishing a distance from the structure, not saying necessarily a distance from the Corps of Engineer's land, just to have this ability to have a protected spot, an established -- you know, like any process that could be done to aid in that, I was primarily thinking of cedar trees. But then also the -- you know, the landowners, property owners, you know, they have to expense, you know, their proposal.

I don't know if we want to open this up as something that's not adjacent to a property because then you have, you know, folks redesigning their entire backyard and creating their version of nature, which, you know, as we know is very grieving.

I like -- I like to be focused on the

safety and protective nature of the structures and potential risks there. I don't know how that takes form. I don't know how to -- you know, if that's adopted here, but that's my thinking initially. That's all, thanks.

MR. BENEFIELD: So my response would be that I agree with you a hundred percent. I didn't want to restrict it so much, though, that we make the same -- we create the same problem that I see with the language as it sits now.

So I could definitely see the Corps coming back and saying, hey, in order to qualify for a waiver, you have to demonstrate that you have a danger to us. No. That's why I put in that second one, those things, not -- it's not an open to just recreate nature, as you talked about, but there is a process for things, you know, structure, safety. You know, they could line up those things that would qualify you to seek a waiver as opposed to carte blanche to seek a waiver because of a whim.

MS. HARRISON: The criteria.

MR. BENEFIELD: Yeah. Yeah, but I don't want to -- I don't know how to dictate that because I would miss something if I tried

to do it, and the experts are the folks who are going to be hopefully responding to this recommendation.

MS. JAHNKE: Okay. All right. Thank you. Thank you. All right, so are we ready to vote? Yes, Becky?

MS. SHORTT: Sorry. If it would be pleasing to the Committee, we would like to give you guys some more background on vegetation permits and the process that I think would maybe open up some more discussion before you vote.

As it currently stands, and Trisha and Rodney, if you guys would chime in here, currently how many vegetation permits do we have active on Table Rock Lake, and how many inspections do we do annually?

MR. RALEY: Yeah, Trish can check the numbers, but I think we're close to 2,000 vegetative management permits. Might be a little bit over.

MS. SHORTT: And do you have a feel of how many inspections we do annually? Sorry, Trish is going to -- while Trish is looking at that, Rodney, how many rangers do you have that are dedicated to doing this type of permits?

MR. RALEY: Well, as far as the field goes, we have four rangers that have the lake broke up into four sections. But they do veggie permits, vegetative management permits, they do dock permits, which is around 2,000 dock permits. They do any timber trespass violations, any encroachments that are reported. They basically work everything in that area of the lake, so.

MS. TANNEHILL: There's around 300 to 600, vegetation renewals every year, and there are 3,400 active permits.

MS. SHORTT: Okay. So 3,400 active permits, and each year we do somewhere between 300 and 600 renewals. They're on a five-year cycle, so some years there's more, some years there's less. So think that you've got four rangers that are doing all of those, plus they're taking all of the boat docks that are on the lake, plus they're handling any encroachments or trespasses that happen on the lake.

So they are spread out very thin as it is, and we have tried very hard to streamline our vegetation management processes. We get a

lot of requests for waivers all the time. But those processes are very time-consuming, and so we're always trying to streamline it because the people who are wanting just a normal everyday permit want to get those issued quickly. And as it stands now, because the workload and the number of -- the manpower that we have, what's the current wait time when you request a permit?

MR. RALEY: I think we had a hundred to -- I think a hundred to 200 right now, just to do. I mean, so it could be 30, 60 days. Just, you know, depends on what's going on that time of year.

MS. HARRISON: Becky, what's the cost for a permit?

MS. SHORTT: \$10 for the five-year permit. And that funding does not come back to the Corps of Engineers, it goes to the US Treasury. So we fund this program on appropriations and, you know, we get a certain amount that's funded and it doesn't necessarily go up as our workload goes up, and so we have to find ways to streamline.

So when you're making the recommendation and when you're voting and

discussing, be thinking about if you add requirements that's going to be labor intensive, like looking at specific waivers, you know, with -- and making specific conditions for specific waivers, what -- how do we -- how do we go about making sure that we can also take care of our normal everyday work, or is there things that -- you know, are there things that we're doing that we can cut out. Or do we say we'll do this if we get additional appropriations to do these type of things or anything like that.

And then the other thing that I would request is that you -- I'm taking notes here, so let me get back. We talked about including provisions on what qualifies for a waiver. Give us some ideas of what you guys think those provisions should be that would qualify somebody for a waiver.

MR. BENEFIELD: Sure. And I can -- and there's two things there. So one way -- are you allowed to put requirements for them to hire someone who has some license or certification to certify that it was done in accordance with their waiver and their permit? I mean, that's how we would handle it in -- in my arena, is we

would say in something that -- I wanted to leave it open so you all could help craft it because if we give you something that's too one-size, it always scares me.

But if you have to say -- and I don't know how Missouri does it, but a Missouri registered forester has to signoff on your plan and ensure that it was done correctly. So then what you're doing is you're taking inspection off the -- the staff and putting it more on someone else.

And that might be even better for you because it sounds like right now, gosh, you could probably just risk it and do what you wanted, right? I mean, that's -- you know, I hate to say it that way, but that little inspection, you're -- you're -- now you're just rolling the dice on if you're going to catch me.

So this would be a place where that could happen. But the other things you could do, and we saw this in the presentations, is you could require that the local fire department deem it a safety hazard as part of the waiver. You could, you know, require that -- that it be done with a plan by a registered forester, who

then certifies at the back end that it's done. You could push the requirements off to the applicants.

And that's what I've said all along is, I'm not -- I don't -- at this point, they've built the case that's a big need, so the cost isn't as big a factor, if it's that big of a need. You know, if they have to go and do a little extra work because of cost, that's fine because the opposite is they're worried the building's gonna burn down. So --

MS. SHORTT: So that is one of the things that our PDT discussed, and yes, we do have the option to make a requirement to do a registered forester or landscape appraiser, whatever the title might be.

But one of the things that we were concerned about is, right now when our rangers go out and do the reinspections on these, they know that everything should look the same. And so it's easy to bust through renewal inspections because you don't have to go back and check the file and see specifically, what was this person approved for. You know that everybody should look reasonably the same, so you can do many

inspections in a short amount of time.

But if we have got specialties out there, then that requires every time you inspect it to go and pull the file and look at specifically what was approved at that location. So that's just something to think about. It's not an insurmountable thing. I just wanted you to have a full idea of what's been discussed.

Anything else that I'm missing that we discussed about that?

Okay. So the 3,400 permits is total. Including expired permits, there's 2,000 active permits, to clarify what Trisha has just said there.

MS. TANNEHILL: Sorry, I misspoke.

MS. SHORTT: That's okay.

MS. THOMAS: Well, for me, I don't see this as somebody -- I don't see someone getting a waiver that just, you know, wants to make their backyard look a little bit better. This is not an aesthetic thing, for me, anyway. But those folks at the towers, when they came and presented to us and they had pictures of what their -- you know, the back of their condos looked like, I mean, to me it's like, okay,

well, something needs to be permitted there. Something needs to be allowed there so that doesn't look like a fire hazard.

And so that's what I'm -- that's -- I mean, I'm gonna vote for this if we get to that point because that's what I -- those are the kinds of things that I would say, okay, that needs to be made -- that needs to be done differently.

MS. SHORTT: So another clarification, you know, if you are specifically talking about where the towers are, and Trisha, correct me if I'm wrong, but I believe the reason why they cannot have a vegetation permit is because they are located in an environmentally-sensitive area. So your recommendation would need include that we either change the land classification for that specific site, we change our criteria for what we consider environmentally sensitive, or we change what is allowed in environmentally-sensitive areas.

MS. THOMAS: I think you have to change -- you have change something. I mean, environmentally sensitive is important, but fire hazard is -- I mean, that outweighs that, in my

opinion.

MR. BENEFIELD: And the way I review the recommendation is, is we're saying that they can get a waiver from the requirements of that section. And one of the requirements of that section is you cannot get a permit in an environmentally-sensitive area. So just like you -- I mean, and it would go -- and like I said, I would consider it a high bar.

MS. THOMAS: Yes.

MR. BENEFIELD: We're not -- nobody is concerned that we're wanting to put a low-bar waiver in place. And that's why I would encourage you all, if you accept the recommendation, to take that second part of it where you put the provisions in.

So if someone -- you know, so you could say, hey, these are the three instances that we see that we think might need a waiver. If you don't follow -- if you can't check the box in one of these three, it's just like the waivers you're getting now. What do you do? You just send them back going, you can't get a waiver.

It would be the same thing again, but those cases where you truly can, I don't want

the rule to ever stop commonsense. And so if there's a way that commonsense should play into this -- I don't want it to be, well, hey, but the rule says we can't do it in environmentally-sensitive, so we're going to have to allow that, what might be a fire hazard or might not be a fire hazard. Because the rule says we can't address it. That's what I'm trying to prevent with the waiver.

MS. RAY: So can I just add a little bit into your discussion from the legal perspective? And that is that any waiver or conditions that we try to make, or if you guys were recommending that we consider a waiver, or even if you give us some guidelines that you want us to consider for a waiver, what you're talking about right now is incredibly subjective. It really is.

And so that poses some legal hurdles in the sense that we can't legally sustain subjective decisions very easily because what we do for person A has to match what we do for person B. And so in thinking about whether or not you are going to recommend a waiver, keep in mind that this is subjective and that's why we

have the rules that we do, that it's yes or no.

It's -- it takes out that human -- in some cases, that human desire to say, well, you know, we really feel bad for person A because you know, they have an overgrowth of trees 30 feet from their property, and then person B has the same problem but maybe not all of the same factors.

Does that make sense to the Committee, that -- that we have to hold ourselves to the standard of objectivity and repetition?

MR. BENEFIELD: I agree.

MR. COX: All right. Can I give you my objectivity?

MS. JAHNKE: Please.

MR. COX: 30 feet from existing structures and existing living quarters, so not the property line, the structure. So you're set back 20 feet from the Corps, you're only talking about 10 feet on Corps land.

Not to exceed 50 percent of trees and ground cover under 10 diameter, and on a linear basis, that 50 percent is measured every 10 feet, meaning you can't allocate the 50 percent on one end of your property and now we can see

your house.

This is a selected thinning for -- strictly for safety and protection for the structure, the occupants. I mean, it's highly pinpointed to fit -- hopefully you could click on Google, in 30 seconds you know who qualifies. It eliminates 95 percent of the people who just want a better view, to get to the heart of the matter of the highest priority.

That's my two -- that's my take on it. It sounds to me like the more specific we are, the better opportunity or chance that something could be implemented.

MS. THOMAS: I think the differences are, if you -- I mean, if you have a fire chief in your jurisdiction that's willing to signoff on this is a health hazard, this is a -- this is -- I mean, you know, our -- the gentleman who spoke about the flammability of cedars, it's like, okay, well, if the fire chief is going to signoff that this is a health hazard, then why would we not consider some kind of waiver for these folks? Like I -- that just doesn't even make any sense to me.

Now, if the guy over here just wants to

thin out some trees, that's a totally different issue. I mean, that's clearly not the same thing. It just -- there seem -- it seems like you could put some pretty commonsense guidelines in place that would prevent, like Pat said, 95 percent of the people from even qualifying, or even remotely qualifying. But you don't even tell them that there is a waiver process, because they clearly don't qualify. But for those folks that need it, I mean, I can't imagine why we wouldn't do it.

MR. BENEFIELD: I mean, you can make a waiver less subjective. I mean, you can't make any permit totally objective, but you can make it less subjective by saying, hey, the fire chief has to certify this --

MS. THOMAS: Right.

MR. BENEFIELD: -- and you have to hire this type of person to certify that the plan they did was appropriate. So you can add those things in there, and then you're trusting that the fire chief is going to do right, and you are trusting that the certified forester is going to do right.

But if we -- I mean, that's how almost

all regulations I know are based. If I stamp as an engineer, I'm certifying it's right, and if I'm lying, then there's provisions for handling that. So I think you can put provisions in that make it less subjective.

MR. HUNT: This is Rob. I'm -- I'm unclear with what everyone has said so far. If we're trying to be too prescriptive of what's in here because it seems there's resistance to different suggestions we've brought up. I want there to be more appropriate, to include a recommendation that just addresses the apparent instability of the current vegetation management policy.

If there are instances -- and we're looking at a type of particular instance as an example. There are instances where there seems to be an objectively-defined fire hazard at a property. And since we're not able -- the Corps is not able to address it because of the rigidity of their policy, so there has to be new flexibility developed in that policy. So maybe it won't affect it right away, I don't know, but I think that would be a clear statement. I don't know what you guys think.

MR. COX: I think I agree. That's well stated.

MS. JAHNKE: Okay. So do you want to vote on the current -- the current motion in front of us or do you want to revise the current one in some way, shape, or form?

MR. HUNT: Here's another way to think about it. This kind of goes back to what Pat was just saying earlier today about how specific we need to be with our recommendation -- or maybe Ryan was saying -- but how specific do we need to be exactly, whether -- if we're thinking about it in terms of whether we want to see in the final meeting when the Corps comes back and says, here is the ones we implemented, here's the ones we didn't.

If we can say -- I mean, we kind of got a taste of it just now, but if we could say, we recommend that the Commander implement a waiver process, blah, blah, blah, blah, blah, then it's very easy for the Corps to say, we can't do that because of we can't be objective enough or we don't have enough people.

But if we put in a recommendation that they need to develop some sort of flexibility in

the policy, if there's health and safety issues related to vegetation management, then they will be kind of put in the position of having to stand there and defend. If they decide not to adopt that or not even willing to adopt a recommendation, it needs to be flexible about health and safety and vegetative management. Does that make sense?

MS. JAHNKE: Yes, thank you, Rob.

MR. BENEFIELD: I guess, Rob, that's actually what I was trying to do with the way I worded it, was by not giving the specifics. So that way -- and I'll just pick on him because he's here. Jerry back there, the forester, could weigh in and say, hey, we've asked for a waiver.

But the Corps can help us develop what that would look like if we -- you know, we just are basically saying "a waiver," without putting those restrictions in it. And obviously a waiver is something -- we can use a different word than "waiver," but waiver is the relative, I guess, that I think is most appropriate.

So yeah, that was my goal, though, was to get it where we want some way that this could

happen and let the Corps staff fill in the details on how they think it's most appropriate to do it.

MS. JAHNKE: All right. I'm hearing nothing else, so we're going -- I'm going to call for a vote. So Sheila, would you read it one more time, just to make sure we all know what we're voting for or against?

MS. THOMAS: We would recommend that the Commander modify the vegetation modification permit to include provisions for waiver of the requirements on a case-by case-basis. The Commander should include the provisions that may qualify the permittee for the waiver.

MS. JAHNKE: Okay. All of -- everyone in favor the motion as read, please say "aye."

(All respond, aye.)

MS. JAHNKE: All those opposed, same sign.

(None opposed.)

MS. JAHNKE: Any abstentions?

(No abstention.)

MS. JAHNKE: Okay. Motion carries.

Rob, was there an addition -- an additional amend- -- or a motion related to

this?

MR. HUNT: There could be. I don't know how well it will actually fit, but what I'd written up was, the Committee recommends the Commander to form partnerships with relevant state agencies to provide field support and forestry expertise in developing vegetation management waivers.

MR. BENEFIELD: Second.

MS. JAHNKE: All right. I've got Sheila writing that down just as quickly as she can. But I'm going to have you say it one more time slowly for her.

MR. HUNT: The Committee recommends that the Commander explore partnerships with relevant state agencies to provide field support and forestry expertise --

MS. THOMAS: Whoa, whoa, slow down.

MR. HUNT: No problem.

MS. THOMAS: After "relevant," state agencies?

MR. HUNT: Mm-hmm.

MS. THOMAS: Then go.

MS. JAHNKE: Okay, keep going.

MR. HUNT: To provide field support and

forestry expertise in developing vegetation management waivers.

MR. RALEY: I probably should have spoke up before you went to all this effort, but I will tell you that we do coordinate often with the Department of Conservation on issues such as this. In Kimberling City, there's an area that was overgrown with Bradford pears, and we had an MDC come out, recommending on how to eradicate some of that.

I think one of the callers, they even said they talked about the towers, the invasive plants growing there which we got with the MDC forester to go with us. So I just wanted to say we do use them occasionally on situations where there are issues.

MS. JAHNKE: Okay. Thank you. Any other comments or suggestions about the most recent recommendation? It has a second.

MR. HUNT: So now, I mean, I appreciate that is what's required, but if that's the way it's interpreted then we might need to change it. I'm thinking that they don't have people that can go out and vet properties to determine if station management is appropriate. If they

can't get around to doing all these permits, then could they accept the professional opinion of a forester? Just like foresters, just like Ryan was talking about, or from the Department of Conservation can get the work accomplished.

That's what I'm trying to get at, was that it's not -- I mean, it's good that they work in partnership with agencies that are in the area, but this would be like another level of agreement where they would agree that they would honor assessments conducted by other agencies. And I don't even know if that's possible.

MS. THOMAS: So you mean like add after explore, like add contract partnerships or something like that? Like you are talking about it more --

MR. HUNT: Well, I wonder if the Corps would even have to contract with anyone. I think it would be just like can the Corps write their policy to say, we will accept the professional opinion of a certified forester. So if the landowner doesn't want to wait, you know, okay, if the Corps says we're going to get out to inspect your property in six months, then

the landowner can say, well, I'm going to contact a private land manager or I'm going to contact a certified forester and then will you accept their assessment?

And if the Corps has a policy that allows them that flexibility, then you could move the ball a little bit faster and reduce their, kind of, workload.

MS. THOMAS: Okay.

MR. HUNT: So I guess let me reread it. You guys, anyone else have thoughts?

MS. THOMAS: Well, it sort of says that. I mean --

MR. BENEFIELD: I liked it. I think you're second-guessing it. I liked it.

MS. THOMAS: Yeah.

MR. BENEFIELD: I mean, I don't think it says that that didn't happen in the past, so I don't think it says how it has to happen. I just think it's a good extra resource.

MS. THOMAS: Mm-hmm. Mm-hmm.

MR. HUNT: That's true. I guess, again, I come back to the idea of like what does an effective recommendation look like. And the way it's written now we may get the same answer

we just got in November. They may say, we do work with MDC. So did we really recommend anything because right now it sounds like we recommended doing something they already do.

MR. BENEFIELD: You could say it that way. Sorry, I'm not -- I'm trying to -- how to put this. Or you could just be reminding that that is a resource that is available to address any increased workload.

MR. HUNT: Okay. Yeah, that's fine. That's a good idea.

MS. JAHNKE: All right. So do you want to revise it, or are we good to vote?

MR. HUNT: If no one else feels strongly about it, I'm fine with it the way it is.

MS. JAHNKE: Okay.

MR. COX: Sounds good.

MS. JAHNKE: All right. Sheila would you read that last one one more time, right before we vote here?

MS. THOMAS: We would recommend that the Commander explore partnerships with relevant state agencies to provide field support and forestry expertise in developing vegetation

management waivers.

MS. JAHNKE: All those in favor of the current recommendation, say "aye."

(All respond, aye.)

MS. JAHNKE: Opposed?

(None opposed.)

MS. JAHNKE: All right. Motion carries. Thank you.

Okay, it is 3 o'clock. Do we need to take a short break before we go on? Or are you ready to power through? I'm looking at my Committee --

MR. HUNT: We have to consider whether we should start that training, right?

MS. JAHNKE: Yeah. Or do we -- or do we -- yeah, and if we take a break, do we start the training then? We have accomplished quite a bit. I mean, we have a few things left on our list.

MR. COX: Can we do the training? Can we do just a Zoom training today and just next week, could all call in and do it?

MS. JAHNKE: Can we do the training via Zoom where we all call in and do that?

MS. COBURN: No. The Hatch Act

training had to be done by July 15th so we got an extension and an understanding that we were going to do it today.

MS. JAHNKE: Okay. Apparently it has to be done today.

MR. COX: Okay. That's cool.

MS. JAHNKE: Okay. So -- so how about if we give ourselves, even a six-minute break, and then we let you get started?

Oh, no. Dana?

MS. COBURN: Well --

MS. JAHNKE: Okay.

MS. COBURN: -- as I was saying earlier, if we are going to end our session, the official committee meeting open to the public, we would need to do an adjournment for this part.

MS. JAHNKE: Okay.

MS. COBURN: And then come back and do the closed session for the administrative to cover the training, if that is what the Committee would like to do.

MS. JAHNKE: Yep.

MS. COBURN: Also, I think you need to vote on whether or not you're gonna have another

meeting.

MR. COX: Yeah.

MS. JAHNKE: Yeah.

MR. COX: My list is three topics weren't -- haven't ever been covered. I don't know if you want to power through that in the public part of it.

MS. JAHNKE: Okay. So -- so it sounds like the first thing we need to do is entertain a recommendation to continue this meeting on September, whatever date we have set or -- or continue the agenda that we've been working on and then schedule a follow-up meeting where the Corps responds to our recommendations later in the year. Is that right?

MS. COBURN: You've provided multiple recommendations which we can take back to the District Commander now. And then if you choose to vote to have an additional meeting which would be meeting four, that would continue -- continue your discussion and then finalize all your recommendations.

And then we've got a charge to address requested some -- you guys have requested some additional information to be provided at the

next meeting, and the Committee could provide a final recommendation also at meeting four.

MS. JAHNKE: Okay. So at meeting -- so meeting four is -- remind me of the date. September?

MS. COBURN: September 23rd.

MS. JAHNKE: September 23rd. We would finish our recommendations. We would hear from the Corps about the activity that we asked for, and then it would require a fifth meeting, though, right?

MS. COBURN: Yes.

MS. JAHNKE: Okay. Are we all good with that?

MR. COX: Patrick: I'm -- I'm just throwing out that -- I mean, I only have three topics left in there for today. We could discuss, recommend, and do something. If not --

MS. JAHNKE: Well, I've got -- I've got more than three. So I've got communication --

MR. COX: Oh, do you? Okay.

MS. JAHNKE: -- I've got funding, I've got the variance of dock length 1/3 into the coves. I've got fees for private slips, requirements to register boat in private slip.

And I think that's it, honestly. So -- so -- I mean, we made it through a lot.

Thoughts, Ryan?

MR. BENEFIELD: I was just saying, I think it would be interesting if we take a vote. Pat's got three that he's still concerned about. I only have one left of the rest of the list that I have -- that I have concerns about. Not that I'm not open to, you know, other people's concerns on those other ones, but there was only one that I really --

MS. JAHNKE: Okay.

MR. BENEFIELD: -- am really passionate about. I just wondered if -- if -- if we have this list, but because we haven't said, move past it yet.

MR. COX: Yeah. We've got to run through all of them. Because I can tell you the 1/3, I'll rescind that. We don't need to get into the weeds on that. There's too many technical information. And --

MS. JAHNKE: Okay. Okay. So --

MR. HUNT: Can I propose that we work until 20 after 3:00 and then either make a recommendation for an additional meeting or not?

MS. JAHNKE: Okay. All right. So -- so which -- Ryan, which one are you most passionate about that we include?

MR. BENEFIELD: I'd still like to make a long-term recommendation regarding rezoning requests. We kind of pushed it to the other meeting because of that review, but ultimately to me the long-term issue of not following the 2003 memo, our guide policy is really the one, you know, is as important or more important because -- than the existing requests.

MS. JAHNKE: Okay. And Patrick, which ones are you most passionate about?

MR. COX: Some pretty quick ones I can explain, hopefully. Allow courtesy docks in the park buffer, and that's not a commercial thing. That's an impact, park activities and such, require slips registration, boat registration. I think it's, in my line of business, not to know who your tenants are is a recipe for disaster. And whether you think about it or not, they're your tenants, so -- and coupled with that is the fee, the way the fees are handled for the boat docks and boat slips is a massive giveaway because they're grossly low and

it's -- the lake is owned by the people. The people are essentially supporting and you know, paying for that privilege, but to have somebody only pay 10, 15 bucks is just ridiculous. I mean, it's not reflective of all the value it's been given.

And that's a real estate instrument, and that's just a simple recommendation that that needs to be looked at by the Commander to find a way to release the real estate instrument that captures that. And then that money comes back to Little Rock to support the programs.

Well, just put all that in one motion.

MS. JAHNKE: I -- I don't think Sheila got that all written down. So you might have to help us out here.

MR. COX: Oh, shoot. I can do it again.

MS. THOMAS: Well, you're going to have to if you want me to write it down.

MR. COX: Let's do the easy one, okay.

So if we get into the alternatives that are being presented, it would end the opportunity to have a courtesy dock. Now a courtesy dock is just a dock that's uncovered

that's used during the day like for a fishing pier or, you know, a fixed point within a park, whether it's a state park or the Corps parks.

You can't envision every scenario, but just to eliminate that and not have it addressed for another 10 or 15 years, I think would be shortsighted.

There's nothing pending, there's nothing that impacts right away, but I would like for that to still be available to --

(Multiple, simultaneous speakers.)

MS. THOMAS: What page is that on? Do you know?

MS. SHORTT: 15.

(A discussion was held off the record.)

MR. BENEFIELD: Pat, are you referencing courtesy docks at -- you mentioned like the state park or developed recreation areas?

MR. COX: I'm just talking about, there's a -- and I don't have it in front of me. It was one of the items in that matrix that said it was a change from the current policy where within a park buffer, a courtesy dock could be permitted if it met all the criteria.

But it was just a blank elimination of adoption, and it's my recommendation to the Committee that we recommend that they just be maintained, that it's not completely eliminated.

MS. THOMAS: This sounds like they are allowed. They must be permitted, but am I missing something here?

MS. SHORTT: The current draft SMP has that they are allowed in LDA or RLDA. So Pat was talking about park buffer, that there was a park buffer area that would not have LDA, or RLDA would not be allowed in that park buffer.

MR. COX: Right.

MS. SHORTT: That would be areas outside of a developed recreation area that's a protected area.

MS. THOMAS: So your motion, Pat, is to recommend that the Commander allow courtesy docks in park buffer zones in addition to the other --

MR. COX: Yep.

MS. THOMAS: -- places? Okay.

MR. COX: And I don't have my computer open right now, but it was a change from the current Shoreline Management Plan, which it

recommends the alternative eliminated. If anybody has that PowerPoint, it's on there.

MS. JAHNKE: Did you get that written down?

MS. THOMAS: I did.

MS. JAHNKE: Okay. Read it to us.

MS. THOMAS: We recommend the Commander also allow courtesy docks in park buffer zones.

MS. JAHNKE: Okay. I need a second to that if we're going to move forward.

MS. HARRISON: I'll second that.

MS. JAHNKE: Okay. We have a second. Any -- any further discussion or questions?

MR. BENEFIELD: I guess I'd like to -- so on the -- I want to get it clear. They were in, they're now not allowed, so can I get why? And what would you all say is the reason why that change was made?

MR. RALEY: Currently, they're not -- we're not permitting any courtesy docks in a park buffer area. We -- we -- the current plan does allow them in a marina buffer. So the Title 36 prohibits, they're called public recreation areas now, it used to be a park buffer. Public recreation are those designed,

no private shoreline use facilities and/or activities will be permitted within or near designated or developed public recreation areas.

So no permitted. We do allow courtesy docks within the rec -- the recreation area at the boat ramp, such as the developed -- Corps-managed parks, leased parks on the lake, but no permitted courtesy docks, a shoreline use permit dock in a park buffer, public recreation area.

MR. HUNT: Do We Have People Asking For That? Were there comments asking for those to be put in those areas?

MR. COX: There could be.

(Audio drops.)

MS. COBURN: Can you repeat that, the last part?

MR. COX: I can just envision -- you know, I can just envision the need for a courtesy dock. I don't have anything planned myself. Over the years we've talked about the need for it (indiscernible.) So what you're saying, Rod, is that you would still get that done, right?

MS. JAHNKE: So I think the other

question is, did we receive any public comments that indicated that that -- that this is an issue?

MR. HUNT: Yeah, if we didn't get public comment for it, I'm going to vote against it, just to be clear if this is something -- unless -- or maybe I don't understand, Pat, what you're kind of going for here.

MR. COX: Well, let's see here. So right now on the other -- back when we were under the current Shoreline Management Plan, there was a process, Rodney, for if you wanted a courtesy dock you converted it to LDA; is that right?

MR. RALEY: Yeah. Right now the current plan is it says courtesy docks must be in an LDA or a marina buffer. I don't have the current plan with me.

MR. COX: Okay. Scratch that. I rescind courtesy docks. I must have read it wrong. My apologies. You are never going to get those six minutes back. I'm sorry.

MR. HUNT: Not a problem. Thanks for clarifying.

MS. JAHNKE: All right. It's always

good. That's why we're all a group, is that so we can ask those questions and do that. Is there another one?

MS. THOMAS: That was a motion rescinded?

MS. JAHNKE: Yeah.

MS. THOMAS: Correct?

MS. JAHNKE: Right. Patrick, do you -- yeah. Are you rescinding your motion?

MR. COX: Yes.

MS. JAHNKE: Okay.

MR. COX: Motion rescinded, topic waived.

MS. THOMAS: I second.

MS. JAHNKE: All right. Patrick, did you have another motion for an issue, a specific issue?

MR. COX: So let me go to the direct wording here. So currently there's a requirement to submit the tentative information, basically the boat owner's information, to the Corps to inform them who is occupying the boat dock. Under the new preferred plan that we are essentially ratifying here, that would be eliminated and the Corps would no longer track

or keep record on who was using or occupying these permitted boat docks.

And based on my experience dealing with the public and need to know who's on your property, I mean, it's the Corps' -- it's public property, but it's the Corps' jurisdiction. I think that's a mistake. I think there needs to be some mechanism, and I think it can be self-funded. It could all be Cloud-based, simple registration. You get online, you pay a \$15 fee, you fill it out, let's say every two years. We need to know a name, address, phone number, of who owns that boat. So if it sinks, catches fire, involved in an accident, involved in a crime, we know who owns the boat.

It's very helpful for all the stewards of the lake to know who's occupying the lake. And I know why it's been eliminated. It's a real pain in the wazoo to keep those records, and it's a burden on staff.

And it's my recommendation to the colonel would be to find a mechanism to maintain those records, a database. And that could be for a not-for-profit third party that handles that and charges a fee, a reasonable fee. I

think we could be more than accepting of that. To eliminate it, I think would be a mistake.

MS. HARRISON: I thought that as a permit holder of a dock, whether it be four owners or 20 owners, that they had to maintain that list. At the time of renewal, it had to be an accurate list that was put in with the application for the renewal for the permit.

MR. RALEY: That's correct. We -- we currently require -- anytime there's a change in boat registration or change in owner, we require a actual copy of the current boat registration. The proposed plan, we still ask them for the boat name, address, and boat registration number of that owner, we just don't require copies.

MS. HARRISON: And that comes from the permit holder?

MR. RALEY: Yes.

MS. HARRISON: So it's not the individual. I'm a permit holder and you have a slip on my dock, you don't have to turn it in to the Corps, I have to?

MR. RALEY: No -- yeah. There's a permit -- if it's a 12-stall dock, the -- we'll call them the permittee, they're going to submit

the information for all slip owners in the dock.

MS. JAHNKE: So you are getting the information, you are just not getting a piece of paper?

MR. RALEY: Correct. And I believe -- I was looking, and I thought we state somewhere that, you know, if there is an issue, it's brought to our attention that somebody's renting a slip in their dock, or somebody who's not an owner is using it, we can go to the permittee or to -- to the people at the dock to say, we need to see a copy of the current boat registration for this slip to match the owner.

MS. JAHNKE: Patrick, does that take --

MR. COX: I'm not doubting -- Well, I'm just simply looking at the matrix and it says "the slip owner's boat registration updates." I'm going across and I see right now you're required to submit proof, the most important being the boat registration certificate. That's what you need to have on the boat. And if you move to what they're recommending, it says, "do not require." That is a change that I think is a mistake. And I know, you know, it requires some effort. And the caveat --

MS. JAHNKE: Can -- can you share with us which page you're on?

MR. COX: So I'm -- again, I'm on that PowerPoint presentation at the top, it says "Shoreline Management and Alternatives," and the preferred plan is the one that we're ratifying. And it's down at the bottom of page 2, and it says, "Slip Owner/Boat Registration Update."

And you know, I've -- I've been on the lake 25 years and I've been involved in accident situations where you have to check these people out. I mean, you've got to know who's occupying. And it also puts some level of certainty that you cannot (indiscernible) overnight accommodations with certain rental and boat rental and commercial uses.

I mean, if you have an area where there's a number of docks in the neighborhood, they'll share a like use pattern. You want to have some accountability for them being there. This goes away, then the boats come and go, it will change that use pattern more in a commercial direction for whomever would want it, Airbnb, you name it.

MS. JAHNKE: So Corps members, could

you help us understand this table and the confusion, if there is some?

MS. SHORTT: So Ryan is pulling up the table for the members here to see, and it's off of the Web site. So everybody can pull it off the Web site, and as for everybody sitting in here, we'll have it up so you can see. This was a document that was created before we went out for the initial draft, to explain the differences between the different alternatives that we looked at.

So currently in our existing Shoreline Management Plan, if you purchase a boat slip on Table Rock Lake, you are required to come into the duty ranger's office and bring in a bill of sale that's notarized and a copy of your boat registration certificate or your slip if you are going to moor a boat in your slip. And we make record of that in our office.

Our current draft plan, you'll see there it says that we do not require proof, and what that means is on page 14 of the draft plan, the last paragraph, it says, "when a slip in a community dock is transferred to a new owner, the seller and buyer must notify the dock

permit's point of contact individual and provide a copy of the bill of sale for the slip and the boat registration certificate for the boat to be moored in the dock.

The dock permit's point of contact is responsible to provide the updated ownership information to the operations project manager during the permit renewal process or any other time as requested. The dock permit's point of contact information may be provided to the slip owners of the community dock. Providing false information and/or otherwise not complying with this Shoreline Management Plan and/or the terms and condition of the permit can result in the termination of the permit and removal of the dock from the lake."

MR. COX: Okay. So you're saying not on the permit, it's not ordered to keep that data?

MS. SHORTT: Yes, we're putting it off on them to keep the documents and keep up with that data and update us every five years as the permit renews, or as there is an issue.

MR. COX: Yeah. So you currently don't require them to update you periodically? It's

just that one time?

MS. SHORTT: Under our current, they are supposed to -- the individual is supposed to update us as they purchase the ship, and then we also get an update when the permit renews every five years.

MR. COX: But you still get it every five years under that scenario, correct?

MS. SHORTT: Correct.

MR. COX: Okay. I'm satisfied with that. Again, I was just going down the matrix and I saw a change, and it says "do not require proof," so that was a red flag to me. But I see the mechanism you're going about to do it, and I'm satisfied with my concern. So thank you.

MS. JAHNKE: Okay. Ryan, I know you're working on a recommendation.

MR. BENEFIELD: Yeah.

MS. JAHNKE: The other two things that are on my list were related to communication, and I do have a written recommendation if we want to get to that. The other one that's on my list that we haven't gotten to is, and it's very general, but it would be a funding kind of recommendation.

And so, you know, those -- those two things are left on my list. I have -- like I said, I have one potential, but Ryan, why don't you go ahead and read yours.

MR. BENEFIELD: All right, I'm going to -- I'll read it and then I'll hand you this to copy it off of.

MS. THOMAS: Okay.

MR. BENEFIELD: Because I wrote it down. And I'm open to changes. This is just a first-off.

We recommend that the Commander rescind the 2003 policy regarding not allowing renew rezoning requests, and all future rezone requests be evaluated for possible inclusion in future Master Plan and Shoreline Management Plan revisions.

I said that very fast, I'm sorry.

MS. JAHNKE: All right. While she's writing that down, is there a second to that recommendation?

MS. HARRISON: I'll second.

MS. JAHNKE: Okay. We have a second.

MR. COX: I'll second it, but I do have a question.

MS. JAHNKE: Go ahead and ask your question because that -- that keeps us moving.

MR. COX: Could one of our Corps of Engineers' professionals tell us what, in layman's terms, what that does?

MR. BENEFIELD: So what I would believe it would do if adopted, would -- this -- right now there's a 2003 policy that, you know, new requests that came in after that 2003 memo aren't being considered. This would allow those to be considered just like any request that was before 2003 using the same criteria that wouldn't automatically kick out a request like it is being kicked out now.

MR. COX: But would they still need to be addressed before the plan is adopted, this Shoreline Management Plan?

MR. BENEFIELD: Well, it -- you know, this would not cover those that came to us over the last couple of months, but if we're not going to do -- you know, if we're going to cover it in today's meeting, this would at least give them an avenue to get their requests considered the next time the Shoreline Management Plan is opened. They don't have an avenue right now

because they're automatically being kicked out because of the 2003 policy memo. That's my understanding.

MS. SHORTT: Yeah, and it -- the other thing that it would do is potentially add additional LDA to the lake. If new sites were requested and approved.

MS. JAHNKE: Okay. Would you read it one more time for us, Sheila?

MS. THOMAS: We recommend that the Commander rescind the 2003 policy regarding not allowing new rezoning requests and all future rezoning requests be evaluated for possible inclusion in future Master Plan and Shoreline Management Plan revisions.

MS. JAHNKE: Any other questions? All right. All those in favor, say "aye."

(All respond, aye.)

MS. JAHNKE: Opposed, same sign.

(None opposed.)

MS. JAHNKE: All right. Motion carries.

And just because communication came up so many times, I wrote down, "recommend to the Commander that the Corps continue evaluation of

communication plans to the public and seek excellence in all communication."

I didn't try to say e-mail, Web site, whatever, and just left it open. I know there's a lot of things that everyone does really, really well, but it never hurts to keep looking at it. I don't know how important it is, but, thoughts? I have it written down, by the way.

MS. THOMAS: I think it's important to put that statement in there because we do hear that all the time, and I know that they don't always have the -- either the technology or the support that they need to help communicate with the public. But that is what the public complains about honestly the most, is they don't understand many of the rules because it -- well, you can see, we've sat with them for now, for how many days, and we still are confused sometimes.

And so the public just doesn't understand all that they're telling them when they're telling them, and so I think it's important to put it in there because that just shows that we believe that it's -- you know, it's something that they need to continue to

work on and maybe get support for.

MS. HARRISON: Isn't there a public relations guy here?

>>: Yeah, and I don't -- I don't see how you're going to put that in the Master Plan or the Shoreline Management Plan.

MS. HARRISON: I think maybe that doesn't necessarily go in there, but it's just a recommendation on the things.

That we've been experiencing. But I guess my question is, how do you feel about how you communicate with the general public or those that use the lake.

>>: Well, I think it has gotten better within the last few years, definitely. Now, one of the things that -- one of the things that we cannot do is we cannot do a social media page for each lake. So we -- we cannot. It's not that we don't want to do it because we did at one time for Beaver. We had to take it down. So we were ordered to take it down because we're not authorized to have it.

We publish stuff on our social media page all the time, on the district page, but we can't have a Table Rock Lake Facebook page or a

Twitter page. So we can continue posting information. It's not that big of a deal. I mean, we try to put out as much information as we can.

MS. HARRISON: What about with an e-mail system, like a general, what you're talking about, to the permit holders? They can -- they can finger down into their actual --

>>: Well, that would come from these guys up here. I guess Rod walked out.

MS. HARRISON: Just a thought.

>>: Yeah, no, no. That's cool. I mean, that can -- that can -- that can happen, but it would come from this office here and it can be done. It's just that people would have to give their information and a lot of people don't want to do that.

MS. HARRISON: Don't you have the permit holders' e-mail?

MS. SHORTT: We have some. We don't have everybody's, though.

MS. HARRISON: And if you don't give it, then you don't get it.

MS. COBURN: We actually have a database of people that have attended our

workshops from the start of the Master Plan update process in 2012. We have sign-in sheets and then all the way through the SMP update process; and by signing in and providing your information, they know that we have it and it may be used in future uses.

MS. HARRISON: But I'm thinking more along the lines of the water levels and everything, there's information that comes out. I don't know about Sheila, but I can hear 12 different rumors in a day about what the Corps said. Maybe by getting that information more solid, then the little extra stories don't get --

>>: Well, if -- if you'll notice on our social media pages, we have started putting up -- we just started it, so we haven't gotten it massaged yet, but we started putting the water control page on Facebook for that day. So that's there.

MS. HARRISON: I mean, there was a lot of rumors flying around that when we were still at 931 that if you could get it even closer to 925, you would be at 925 for the rest for year.

MR. BENEFIELD: Yeah. And that is a

shame that you can't put a lake-specific social media page up. That seems -- because someone may not want to get every bit of data you put out, but they may want to get every bit about Table Rock Lake.

>>: Right. Yeah.

MR. BENEFIELD: And so that is a -- that is a shame that that's a limitation you have because I think that's a perfect way of getting information out to people these days.

>>: Well, the thing you get into the -- one of the things is a security issue.

MR. BENEFIELD: Sure.

>>: And that's -- that's when we had to take it down because people were hacking into it and putting information on it that wasn't us. And then who do you have monitor that page? You know, do you have another ranger that's already doing everything else come out and monitor that page too?

When he's trying to get everybody their permits and stuff, now he's got to monitor a social media page, so -- and anything that goes on social media, he would have to then come to us at the district headquarters to see if it was

okay for him to put that information out.

So, you know, we want to communicate. We definitely do. And there are a lot of avenues to do it; you've just got to find the right one. So if you are just talking communication in general, yeah, that's something everyone could work on.

MS. JAHNKE: Yeah. And that's it. I'm not sure we got a second on that motion. So...

MR. BENEFIELD: Yeah. We're all -- I think we're all good with it. Yeah.

MS. JAHNKE: Okay. All right. All right. So -- and I agree, I mean, there's so many things every organization can do better in communication, and this is really just to keep it at your forefront and to keep it high on the list always.

Yes, Dana?

MS. COBURN: Can you repeat the recommendation one more time?

MS. JAHNKE: Yes. It's recommend to the Commander that the Corps continue evaluation of communication plans to the public and seek excellence in all communication.

So it's broad. It's just laying it

back on you guys to figure out the best way to do that.

All right. All those in favor of the communication recommendation, say "aye."

(All respond, aye.)

MS. JAHNKE: All those opposed?

(None opposed.)

MR. COX: Aye.

MS. JAHNKE: All right. The motion carries.

All right. So we had talked earlier about a funding recommendation, and I know Dana wants to -- yeah?

MS. COBURN: One quick question. Who was the opposed?

MS. JAHNKE: Patrick, was that you in the opposed?

MR. COX: No. I was just late to the talk, sorry.

MS. COBURN: Okay. All right. Thank you.

MS. JAHNKE: We -- just -- just clarifying. Yeah.

MR. COX: I was 100 percent in favor.

MS. JAHNKE: Okay. Do we -- is

there -- is there kind of a funding recommendation that we want to make? Is that something you want to tackle today? I know it's -- you know, it's 3:35. I get it.

MR. BENEFIELD: I could see us do two things. I mean, I would view any recommendation we made on funding would be just like the one just made on communication, and that is, it's not that we think there's a specific thing in the Shoreline Management Plan that you could sit there and go, okay, we're going to change this from \$10 to a thousand dollars, because you can't do that. We understand that.

It would be more if we made it, in my opinion, as a statement of, we understand to do everything we're asking and everything this plan requires, it requires adequate funding and adequate staff to do it. I don't know how to put that in a motion, but I don't want that to viewed -- every recommendation we make hopefully isn't being viewed as a negative, as in more of a, hey, this is going in the recommendation because we want to make sure everyone understands that in order for you to do it effectively, adequate planning has to be -- has

to be there.

MR. COX: I think I'll take a shot at it. Somebody got a pencil ready?

MS. JAHNKE: Yep. Sheila's waiting.

MS. THOMAS: Talk slow.

MR. COX: Okay. Okay.

I make a motion that the Committee recommend the Commander look for alternatives to address the issue of boat dock fee income versus the --

MS. THOMAS: Stop there, Pat. What did you say?

MR. COX: -- for managing --

MS. THOMAS: "The issue of?" I didn't -- you cut out.

MR. COX: I'm sorry. I'm in the car. The issue of boat dock fee income versus the cost of managing the private boat dock program, period. The income is not nearly commensurate with the value that's being provided, you know, the permit holder, based on the market value, based on the privilege of using that. And it's creating -- putting an undue burden upon Corps Engineers.

MS. THOMAS: Can I read that back to

you?

MS. JAHNKE: Please do.

MS. THOMAS: I'm gonna read it, and then you tell me how to tweak it.

We recommend the Commander look for alternatives to address the disparity between boat dock fee income versus the cost of managing a private boat dock program.

MS. JAHNKE: Does that address the funding needed for the Corps to take care of this lake, or is that too narrow? And I'm just asking.

MR. COX: The thing is, I think we're just saying we recognize that and would fully support a program, probably through the rezone state, that generated the appropriate income to properly manage the permitting process to provide better service.

You can talk about communication, you can talk about timing and responses that the Corps can do because the main thing is to see what they can do. Because it's so upsidedown, it's ridiculous.

I'm not John Stossel. But it's a massive giveaway. And people would be more than

happy to pay \$50 a year to have the privilege of a boat slip. We're only asking them for, you know, a dollar.

MS. HARRISON: Does that money come back directly to the vegetation, like you said? The --

MR. COX: Because that needs to be a real estate instrument.

MS. JAHNKE: Yeah, Dana?

MS. COBURN: To speak a little bit to Pat's comment, our -- there's a fee structure in Title 36. And again, it's one of those that would be -- we literally have to have an act of Congress to change -- change that. It is something that the Corps of Engineers on a national level has been trying to look at for years. We know it is a problem. We just haven't been able to figure out how to address it.

MR. BENEFIELD: So -- but one thing we'll do is, there'll be people who maybe -- who meet our recommendations who have control more over that than the people who are receiving them. So -- so I mean, I don't -- I still think it's a very valid thing for to us put in there

to just acknowledge that we understand that the funding is needed, and again, as Pat is saying, and I'll -- I'll pass it to him because he's the one paying some of these fees, not me, is you know, the fees may not even be commensurate with the benefit he feels he's getting. Not even close to the benefit he feels he's getting.

So, I still think it's a very valid thing to put in.

MR. COX: Keep in mind, this has nothing to do with commercial marinas. So let me --

MR. BENEFIELD: I heard you say you wanted to double commercial marina fees. Is that not true?

MR. COX: No. No, no. Every one of my customers that rents commercially will pay 3 to 5 percent of their rent in a fee, you know, for the lease. And whether that -- and that can vary from 50 to \$200 a year, per year per boat, or even higher.

There's nothing near that happening on the private slip side to go to the Corps to help manage the burden of keeping track of everything and managing that.

So I mean, in a commercial, whether those are a few higher than those is moot. I would be thrilled if they were, you know, commensurate with commercial rates.

It's not a competitive thing. This isn't enough -- not to take anybody's side who thinks differently. For example, a private slip on Table Rock will change hands from 20,000 to \$30,000. And what is the Corps getting? Zippo. They get like 15 bucks a year, and they're the ones that have to manage the darn thing. They're the ones that own it, they own the rights. The dock wouldn't exist unless the Corps gave them the permit. So it just seems like this is --

MS. JAHNKE: Okay. I'm going to see. Can I have Sheila read the latest version of this? Or we're not sure?

MS. THOMAS: I'm not sure how many versions there are.

MS. JAHNKE: Yep.

MS. THOMAS: I wrote a couple versions. So look -- we recommend the Commander look for alternatives to address the disparity between boat dock fee income versus the cost of managing

a private boat dock program. That's one alternative.

We recommend the Commander look for an alternative to address the disparity between the revenue generated from the private boat dock program versus the cost of operating the program.

MR. COX: That's a better one. Go with that.

MS. HARRISON: I'll second number two.

MS. THOMAS: You're welcome.

MR. COX: Yeah, well written, the second version of that.

MS. JAHNKE: Excellent, and we got a -- Twilia seconded the second version. Okay.

Any other questions or discussion related to the -- the second one? All right.

All those in favor of this recommendation, say "aye."

(All respond, aye.)

MS. JAHNKE: Opposed?

(None opposed.)

MS. JAHNKE: All right. Motion carries.

Do we have any other recommendations?

All right. Committee Members, if we are done, I can entertain a motion to adjourn. And then we will come back together on September 23rd.

MR. HUNT: For our final meeting?

MR. BENEFIELD: Will our meeting minutes go, then, to the Commander? Is that how we'll be giving this to him?

MS. COBURN: Yes, in a way. Between -- yes, what Sheila has written down will be your official recommendation.

MR. BENEFIELD: Okay.

MS. JAHNKE: Can -- just so that we all have a copy of that, can I send that out to the group as soon as she sends it to me? I mean, I know I sign it for the record. I don't know how fast it gets posted on the Web site.

MS. COBURN: We try to post it as soon as we get it.

MS. JAHNKE: Okay. So that people could, we just might need to remind everybody, go check the Web site and look at all the recommendations.

MS. COBURN: Yes. In fact, myself or Becky can send a note saying we've got the meeting minutes.

MS. JAHNKE: That would be awesome.

MS. COBURN: They're posted, please go out and take a look.

MR. BENEFIELD: Can I make a recommendation? Can we not -- can we have the minutes, but -- and this isn't any additional work on you, Sheila, but just pull it out and make it one document that says "recommendations" at the top and list them. That seems easier to me than pulling them out of our minutes. Is that --

MS. JAHNKE: I don't think that's going to be an issue, based -- I don't know if you've looked at the minutes of the last two. That -- that's not going to be an issue.

MR. BENEFIELD: Okay. I see.

MS. THOMAS: They're pretty brief.

MS. JAHNKE: Yeah, they're very brief. They were, I think --

MS. THOMAS: They were supposed to be brief.

MS. JAHNKE: I mean, our recorder is getting every word.

She's not included everything. I think it will be okay.

MR. BENEFIELD: Okay.

MS. THOMAS: All right. And I can copy and paste a page to the backside of the -- I mean, to the second page of the minutes that just say "recommendations." I'll do that, send it, and they can do with it what they want.

MR. BENEFIELD: Okay.

MS. JAHNKE: So do you have some things you need to say before we formally adjourn?

MS. COBURN: Yes, ma'am.

MS. JAHNKE: Okay. I'll let you do your thing.

MS. COBURN: Okay. So it's my understanding the Committee has provided their recommendations. Our next step in accordance with FACA, these recommendations will be evaluated by our Division Commander, along with District Commander, and a decision will be made as to whether to implement the recommendations.

The local USACE team will then update the Master Plan and the Shoreline Management Plan as directed and then provide the plans to the Division Commander for signature.

And then as a reminder, the next and final meeting, which would be meeting four, will

be September 23, 2020, from 8 a.m. to 12 noon. We have a reminder where to find our documents on the Table Rock Lake Oversight Committee Web site.

It's:

www.swl.usace.army.mil/missions/planning/table-rock-lake-oversight-committee.

And I apologize for the length of that e-mail address.

If there's anybody that needs to get that Web site address, you can contact our public affairs office leading to the reminder for point of contact for a media contacts, our public affairs office is -- their phone number is 501-324-5551. Or you can reach them via e-mail: ceswl-pa@usace.army.mil.

And that's what I have for --

MS. JAHNKE: Okay. And I think I need a formal motion for adjournment and a vote.

MR. BENEFIELD: So moved.

MS. JAHNKE: Is there a second?

MS. HARRISON: Second.

MS. JAHNKE: All right. All those in favor of adjournment, please say "aye."

(All respond, aye.)

MS. JAHNKE: Opposed?

(None opposed.)

MS. JAHNKE: All right. We are
adjourned. Thank you.

(The foregoing meeting was concluded at
3:50 p.m. on Thursday, July 16, 2020.)

REPORTER'S CERTIFICATE

I, BEVERLY L. NAGLE, Certified Court Reporter, do hereby certify that on July 16, 2020, that I was personally present at the taking of the proceedings as set forth in the caption sheet hereof; that I then and there took down in stenotype the proceedings had at said time; and that the foregoing is a full, true, and correct transcript of such notes so made at said time and place.

I do further certify that I am not related to, nor attorney for, nor employed by any of the said parties, nor otherwise interested in the event of said action.

BEVERLY L. NAGLE, CCR