

Table Rock Lake Oversight Committee Meeting

Dewey Short
Visitor Center
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A P P E A R A N C E S

Table Rock Lake
Oversight Committee: MR. KEVIN McDANIELS
Designated Federal Officer

MS. TAMERA JAHNKE, Chairperson

MR. ROBERT HUNT, Missouri
Department of Conservation

MR. RYAN BENEFIELD: State of
Arkansas and Arkansas Natural
Res. Commission

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

MS. SHEILA THOMAS, Table Rock
Lake Chamber of Commerce

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

MS. TWILIA HARRISON, Table Rock
Lake Chamber of Commerce

Corps of Engineers: MS. DANA COBURN, Project Manager,
US Army Corps of Engineers

MS. DEANNA RAY, Counsel on Legal
Matters for Table Rock Lake

MS. ANDREA MURDOCK McDANIEL,
Chief of Operations and
Regulatory in the Southwestern
Division

MS. TRISH TANNEHILL, GIS
Specialist

MR. RODNEY RALEY, Deputy
Operations Project Manager

MR. JAY TOWNSEND, Chief of Public
Affairs, Little Rock District

1 MR. McDANIELS: All right. We're going
2 to go ahead and call to order Meeting No. 2 of
3 the Table Rock Lake Oversight Committee.

4 I'll go ahead and introduce myself now.
5 I'm Kevin McDaniels, Chief of Operations for
6 Little Rock District and also the designated
7 Federal official. And I'm going to turn it over
8 to our chairperson.

9 CHAIRPERSON JAHNKE: My name is Tammy
10 Jahnke. I'm Dean of the College of Natural and
11 Applied Sciences at Missouri State University,
12 and I'm chair of the committee. And I'm going
13 to ask the other members of the committee to
14 introduce themselves.

15 MR. HUNT: My name is Rob Hunt. I work
16 for the Missouri Department of Natural
17 Resources.

18 MR. BENEFIELD: Ryan Benefield. I work
19 for the Arkansas Department of Agriculture.

20 MS. THOMAS: Sheila Thomas, Table Rock
21 Lake Chamber of Commerce.

22 MR. COX: Good morning. I'm Pat Cox,
23 owner/operator State Park Marina and The Harbor
24 on Table Rock Lake.

25 MS. HARRISON: Twilia Harrison, Shell

1 Knob Chamber of Commerce.

2 MS. SHORTT: My name is Becky Shortt.
3 I'm the Operations Project Manager at Table Rock
4 Lake, and I am not a member of the committee.
5 I'm the alternate designated federal official.

6 MR. McDANIELS: All right. And we also
7 have members of the Corps of Engineers over here
8 who will introduce themselves, also not
9 committee members but part of the team
10 developing the plan.

11 MS. COBURN: Good morning. Dana
12 Coburn, the Project Manager for the SMP Update.

13 MS. RAY: Deanna Ray. I'm with the
14 Office of Counsel in the District Office.

15 MR. RALEY: Rodney Raley. I'm the
16 Deputy Operations Project Manager here at Table
17 Rock Lake.

18 MS. MURDOCK McDANIEL: Andrea Murdock
19 McDaniel. I'm the Chief of Operations and
20 Regulatory in the Southwestern Division.

21 MS. TANNEHILL: I'm Trish Tannehill, GI
22 Specialist for the Corps of Engineers.

23 MR. TOWNSEND: I'm Jay Townsend, Chief
24 of Public Affairs, Little Rock District Corps of
25 Engineers.

1 MR. McDANIELS: All right. So we're
2 going to quickly just recap the purpose of the
3 committee. And I will read this from our
4 Balance Plan. And this was part of the 2016
5 WIIN Act that required this committee to be set
6 up with the guidance of "Shall review any permit
7 to be issued under the existing Table Rock Lake
8 Master Plan at the recommendation of the
9 District Engineer, Little Rock District US Army
10 Corps of Engineers, and advise the District
11 Engineer on revisions to the new Table Rock Lake
12 Master Plan and Table Rock Lake Shoreline
13 Management Plan." So that is what we're here to
14 do today.

15 The membership here was also explicitly
16 written into the WIIN Act stating "Not more than
17 one representative from each: The State of
18 Missouri and the State of Arkansas." So Rob and
19 Ryan respectively. "Not more than one each from
20 local economic department organizations with
21 jurisdiction over Table Rock Lake." So we have
22 Sheila and Twilia. "Not more than one
23 representation -- representative each
24 representing the boating," which would be Pat.
25 In "conservation issues or interests," Tammy.

1 So this goes through a very lengthy
2 process if you weren't here the last time, but
3 it's up through -- Department of Defense, White
4 House liaison, a lot of folks up there have a
5 role in getting this committee set up and
6 approving the membership. So it took us about
7 two years to get through that process to get all
8 these individuals appointed.

9 I will remind you all that as part of a
10 fact of the Federal Advisory Committee Act that
11 the rules are pretty clear, straightforward, and
12 in some cases strict. The committee members are
13 not supposed to engage individually with the
14 public. However, we do have the ability for
15 them to accept and read written comments
16 submitted.

17 The agendas you guys have explain on
18 the back or second page how to do that or the
19 websites to go to. There's also the opportunity
20 to give verbal comments today, which Tammy will
21 talk to you about in just a little bit. So the
22 meetings are open for public observation. As
23 you know when you're here, every meeting that
24 this committee has will be open to the public.
25 They do not ever meet without being open to the

1 public unless we have special permission for a
2 closed meeting, which we have no intention of
3 doing. Everything will be open.

4 If you have questions -- JT introduced
5 himself. He is our public affairs person, and
6 he can talk to anybody from the press. And if
7 you look at that Table Rock Lake website, the
8 presentations you'll see today, Draft Plans,
9 EAS, documentation, agendas, et cetera --
10 everything is placed on that website for you to
11 see.

12 So I'm going to turn it over to Tammy
13 to do a recap of Meeting 1.

14 CHAIRPERSON JAHNKE: So this -- this
15 group met on December 12th at this place. All
16 the committee members were present, and we heard
17 presentations that helped us kind of go through
18 them -- the Master Plan and -- and found out
19 where the changes were made. We had a good
20 discussion about a number of items, asked a
21 number of questions, which part of that has led
22 to some of the presentations that you see on the
23 agenda today. The meeting notes are all posted
24 on that website as well.

25 And the purpose of today's meeting then

1 is to hear verbal comment on the Table Rock Lake
2 Master Plan and Shoreline Management Plan from
3 -- from everyone, from those who signed up here,
4 and then the committee will be discussing,
5 asking questions, and making recommendations on
6 that plan.

7 So I think we're ready for the -- go --
8 go ahead, Kevin.

9 MR. McDANIELS: A couple more quick
10 things. Just to let you know is that we do have
11 a court reporter here who will record everything
12 that's said by anybody and it will be posted
13 onto the website as well.

14 CHAIRPERSON JAHNKE: Great. Thank you.

15 All right. So our -- this -- we are
16 now into our public comment session. We'll --
17 we have set aside up to three hours for that
18 session. We'll do -- right now we'll do
19 everyone who is on the list presently. If
20 people do come before 11 and want to make public
21 comment, we'll -- we'll figure out how to move
22 them in, but we'll probably move ahead to some
23 of the presentations as well.

24 Each person has a two-minute maximum.
25 We have a timer up here so that you'll know. We

1 also have a microphone so that everyone can hear
2 you. And -- and you've had the opportunity to
3 sign up. If you -- if you didn't see that
4 sign-up sheet, please go out and sign up.

5 So the process will be that we will
6 call names from the list. When we call your
7 name, you can step up to the microphone. And if
8 you have a written statement to accompany your
9 verbal comment, you can hand it to me on the way
10 up to the podium. And I'll -- we'll let you
11 know when to begin, and you'll see when it's
12 time to end.

13 And the purpose of -- of the timing is
14 just to keep it fair for all participants. So I
15 have a colleague over here on the side who's
16 going to introduce you and -- and have you come
17 up to the front to give the presentations. And
18 please be aware that it's also possible to give
19 written comments. And the -- every member of
20 the team has read all the written comments
21 submitted. At least I got them as of yesterday.
22 So if you submitted something early this
23 morning, I have not seen that, but -- but we
24 will stay on top of that as well.

25 So let's have our first speaker.

1 MS. COBURN: Fred Green. Cindy
2 Cunningham, you are on deck. There is an on
3 deck chair that is just there up to the right of
4 the current speaker.

5 MR. GREEN: Thank you very much. My
6 name is Fred Green. I hold both a shoreline and
7 a private dock permit.

8 On the no wake buoys -- I have comments
9 on that. The plan on page 14 says they are not
10 allowed. The environmental assessment says they
11 can remain on page 9. It seems this confusion
12 needs to be cleaned up.

13 The Missouri Department of
14 Conservation, apparently at the request of the
15 Corps, addressed cedar trees and potential
16 alternatives. You can see that on page 40 of
17 the plan. If the committee could please
18 recommend the Corps consider only in LDAs with
19 permits to allow for the removal of any cedar
20 tree and the replacement of that tree with --
21 with native warm season grasses as the
22 Department of Conservation recommends.

23 The most troubling issue still
24 remaining within the plan concerns the
25 punishment for violations by holders of permits.

1 Within Title 36, Section 327, Item 25, you can
2 specifically find the outlines for the
3 consequences, both monetary penalties as well as
4 jail time for violations.

5 The plan section titled Special
6 Enforcement Standards states the Corps is trying
7 to gain and maintain compliance. However, this
8 seems to conflict with Title 36. Please advise
9 where or how the ability for the local district
10 commanders to change and amend a Federal rule
11 was delegated. I have been unable to find it
12 and -- nor have two representatives from
13 Washington.

14 Other than the Corps satisfaction,
15 these new penalties raise no money. They spend
16 money on enforcement and only increase the
17 likelihood of damage to personal property of the
18 non-offender when a barricaded dock breaks free.
19 Is this really the Corps' goal?

20 As a taxpayer, I would like you to stop
21 spending money and try to collect some. If
22 \$5,000 and jail time is not enough, I suggest
23 you work with our elected representatives on a
24 national solution just like the Corps did in
25 2013 concerning real estate out grants which is

1 highlighted in ER 1130-2-550.

2 I'm out of time. Thank you.

3 CHAIRPERSON JAHNKE: Thank you.

4 VOICE IN AUDIENCE: Might I note that
5 the microphone is not working.

6 CHAIRPERSON JAHNKE: Thank you for your
7 comments. And we will get the microphone set up
8 appropriately.

9 MR. BENEFIELD: When you make a
10 comment, just make sure you're talking right in
11 the microphone. Can you hear better now?

12 VOICE IN AUDIENCE: Yes.

13 MR. BENEFIELD: Yeah.

14 VOICE IN AUDIENCE: So I want him to do
15 over so we can hear what he had to say.

16 MR. GREEN: I can give it to you in
17 writing if you want.

18 MR. COX: That would be great.

19 MR. McDANIELS: So just a couple of
20 general comments. Anybody who has something
21 prepared like that -- if you also want to submit
22 it in writing so the committee has it and
23 everybody else sees it, that would be
24 appreciated. And to the court reporter, were
25 you able to hear and record all that?

1 MS. REPORTER: Yes.

2 MR. McDANIELS: Okay. So that -- his
3 comments will be posted onto the website as
4 well.

5 MS. COBURN: Cindy Cunningham.
6 Kent PeKarek will be next.

7 MS. CUNNINGHAM: Test, test. Test,
8 test.

9 Good morning. My husband and I own a
10 condo at Towers on the Lake located at
11 680 Emerald Pointe Drive, Hollister, Missouri.
12 I am here today, alongside officers of our
13 homeowners' association, to ask this committee
14 to consider implementing an objective process
15 for reviewing safety hazard permits in order to
16 avoid loss of life. In the event a permit
17 should eliminate safety hazards is denied, there
18 should be an appeal process.

19 Over the last 20 years, the trees,
20 vines, and shrubs behind our condo buildings
21 have grown totally out of control. In fact, the
22 taller trees have grown within a few feet of our
23 glass sun rooms. Because of this, it became
24 apparent we had to address these safety hazards
25 as they have become a definite threat to

1 residents.

2 In 2018 we submitted photos and other
3 evidence including a letter from Western Taney
4 County fire chief to the Corps asking for a
5 permit. Soon thereafter a park ranger came out,
6 along with a Missouri Department of Conservation
7 agent. Following that visit, we received a
8 letter from the Corps denying the permit. We
9 then attempted to an appeal -- file an appeal
10 with the Corps, and, of course, it was denied.

11 Even the Missouri Department of
12 Conservation, as Fred mentioned, believed cedar
13 trees could be removed to allow the growth of
14 native grasses. However, for these grasses to
15 perform well, they cannot be mowed to yard-like
16 conditions. This is a compelling and very
17 simple solution to eliminating the threat to
18 life and personal property.

19 In closing, we believe decisions
20 regarding safety hazards threatening human life
21 and destruction of property should not be made
22 by a park ranger and simply rubber stamped by a
23 project manager or division chief. If a permit
24 is denied by the Corps, we would suggest an
25 appeal process be in place. We feel confident

1 if the impartial Oversight Committee were to
2 review all the facts and evidence in this appeal
3 process and give the petitioner opportunity to
4 present.

5 CHAIRPERSON JAHNKE: Thank you for your
6 comments.

7 MS. COBURN: Kent PeKarek. Lynn
8 Letner, you are on deck.

9 MR. PeKAREK: My name is Kent PeKarek.
10 And I -- oh. Yeah. Hello. One, two. Sorry.

11 My name is Kent PeKarek, and I am here
12 to support my wife, Cindy Cunningham, regarding
13 the proposal to create an appeal process should
14 the Corps deny a permit request to eliminate
15 safety hazards.

16 When the possibility of life is
17 involved, we do not believe the environmental
18 zoning or a type of vegetation is even relevant.
19 We have prepared a presentation of Corps
20 documents, expert vegetation, and safety
21 recommendations to include the pictures of the
22 current vegetation hazards behind the condo. We
23 will let the drone and the ground pictures speak
24 for themselves.

25 Some of the current trees are

1 approximately 60 feet tall, and if ice,
2 windstorms, or fires should occur, just one of
3 those trees could fall right through the condo.
4 See the condo pictures within the written
5 presentation.

6 The Missouri Conservation Department,
7 again, already has perfected a solution, and
8 that is to allow the cedar trees to be removed
9 and replaced with native seasonal grass. The
10 states of Oklahoma and Texas have already
11 declared war on cedar trees to the point of
12 burning them and using chemicals to kill them.

13 We would like to provide the full
14 presentation recommendation to create an appeal
15 process which would include documentation,
16 methods, and pictures.

17 And that's all we have. Thank you.

18 CHAIRPERSON JAHNKE: Thank you very
19 much.

20 MS. COBURN: Lynn Letner. And Booker
21 Cox, you are on deck.

22 MR. LETNER: Good morning. Oh, can you
23 hear me? No. Now, I can. Okay. We got it.

24 I'm Lynn Letner. We're fortunate
25 enough to have a property over near Point 8 on

1 -- on the lake community dock. I attended the
2 first meeting, and -- and I'll -- I'll say I was
3 a little alarmed by some of the comments and the
4 questions Mr. Cox had around personalization of
5 the lake. And I -- I wondered at the time where
6 the voice is for the property owners and the
7 tourists, the -- the folks that -- that want to
8 come in.

9 Kevin, you made a comment -- when the
10 question of the study that resulted in about
11 10 acres per boat based on a 2009 study, I
12 believe, and there was a pushback there to go to
13 reduce that to -- so we could put more boats on
14 the -- the lake, you said that -- that the
15 normal is 14 to 16 acres across.

16 And I would -- my question -- and I
17 don't know how we dialogue in this kind of
18 thing, but my question is, those kinds of
19 issues, you know -- how do we get to the point
20 where this lake has a higher density is allowed,
21 higher density of boats than what you might
22 consider normally a safe level?

23 Having lived on the lake now for a
24 little bit, I know we self-regulate during the
25 high peaks. There isn't any interest in going

1 out and fighting where there's so many -- so
2 many boats on the lake. And I -- I really, for
3 a safety reason, would -- would encourage that
4 we not increase the density allowed. Thank you.

5 CHAIRPERSON JAHNKE: Thank you very
6 much.

7 MS. COBURN: Booker Cox. David Gubin,
8 you are on deck.

9 MR. COX: Thank you, Committee.
10 I appreciate your time. I do have the same
11 concern, the carrying capacity on Table Rock
12 Lake. We're based on a 10-year-old study now, a
13 boat study on how many people are on the lake,
14 and then we're going to project 30, 40, 50 years
15 from now what number looks good? I don't think
16 we can do that today.

17 I think we need to restudy this in the
18 future, reconvene this committee, get public
19 input again, use commonsense. When's too many?
20 I don't think we can project that 30, 40 years
21 ago -- or 30 or 40 years from now. What if the
22 City of Branson -- Branson aldermen back in the
23 '90s, back when the CBS special was on, "Oh, my
24 gosh, we're getting so many people in. We got
25 to shut down 76. 20 years from now when we get

1 9 million people, that's going to be too many.
2 Shut the roads down."

3 Well, today we have 9 million. Is that
4 too many? Go ask any business owner, Chamber of
5 Commerce member. It's not too many. We built
6 roads. We've adapted. People take different
7 routes.

8 People are going to put -- put their
9 boats in on different areas of the lake 20,
10 30 years from now than they are now. I don't
11 think we can pre-determine that number. So I
12 would just ask you to find a way, a plan to
13 reconsider this in the further, something that
14 has commonsense, something that makes sense for
15 everybody. Thank you.

16 CHAIRPERSON JAHNKE: Thank you.

17 MS. COBURN: David Gubin. Mike
18 Chandler, you are on deck.

19 MR. GUBIN: Okay. My name is Dave
20 Gubin. I'm in support of keeping the remote
21 service dock program. It works very well in our
22 area. It allows public access to the lake.
23 Most slips are leased to area residents right
24 where those docks are located. And a good
25 example is the remote service docks at Paradise

1 Landing, just south of the Kimberling City
2 Bridge.

3 95 percent of those slips there are
4 leased to someone that owns a condo in that
5 development. The leased docks that are over at
6 Schooner Bay -- 100 percent of those are to
7 Schooner Bay residents. Marina owners also
8 maintain their docks at a much higher standard
9 and keep them up there.

10 I'm also a proponent of not -- the
11 changes that have been made to the vegetation
12 permit. I think they need to be changed to --
13 the Corps wants to change where the cutting
14 level is at ground level so they can tell what
15 size has been cut. I agree that they need to be
16 able to tell that, but they need to change the
17 size it's cut currently. It's 3 inches in
18 diameter at about shoulder height, at about
19 4 feet, and they want to change that down to
20 2 inches in diameter at ground level.

21 I would like to make the recommendation
22 that the cutting of vegetation be changed to
23 ground level to be at least 3 inches, 4 inches
24 for cedar trees. Also not to limit the
25 allowable mowable area because of a road, a

1 topographical change, or a creek bed between the
2 foundation of a home and going out. The current
3 process works very well at the moment except for
4 being able to tell at what size something needs
5 to be cut at. Thank you very much.

6 CHAIRPERSON JAHNKE: Thank you.

7 MS. COBURN: Mike Chandler. Nina
8 Danowski, you are on deck.

9 MR. CHANDLER: My name is Mike
10 Chandler. I'm from Kearney, Missouri area, and
11 I have a lake home here and also dock
12 association I'm part of. My comments today will
13 regard the interaction of public and what they
14 do at the lake.

15 Currently there's no readily available
16 access to the common, available pamphlet rules
17 and regulations governing public use of Corps
18 Engineers water resources on development
19 projects and on the U.S. Army Corps of Engineers
20 website, the Little Rock website, or the Table
21 Rock website. I know that's available as a hot
22 link on the Smithville Lake website. It's very
23 readily available and prominent to the public.

24 And my experience on the lake over the
25 last couple of years has been that a lot of the

1 general public that come in on the lake do not
2 have a clue what the Corps would expect them to
3 do on Corps property and also the use of Corps
4 property to launch boats other than existing
5 launch ramps. Any -- any place that they can
6 get access off a road into the land that slopes
7 into it is -- I -- I've personally witnessed
8 that going on, and it -- it needs to be
9 addressed and slowed down and stopped.

10 And that's my issue that I'd like to
11 bring up, just public awareness. Thank you.

12 CHAIRPERSON JAHNKE: Thank you. Thank
13 you very much.

14 MS. COBURN: Nina Danowski. And Steve
15 Featherston, you are on deck.

16 MS. DANOWSKI: These -- this has been
17 submitted online. I haven't heard yet how this
18 -- or how this is going to be answered. I don't
19 have a need to repeat it if it's already going
20 to be responded to. I haven't seen that
21 anywhere. Should I just read it?

22 CHAIRPERSON JAHNKE: Yes. Please make
23 your -- make --

24 MS. DANOWSKI: Okay.

25 CHAIRPERSON JAHNKE: -- make the public

1 comment.

2 MS. DANOWSKI: Okay. Please discuss
3 the ramifications of driving on Corps property
4 as it states -- under "without an LOP" under the
5 section Unauthorized Use of a Vehicle on Corps
6 property, it states three offenses, and the
7 third offense says the permit of the dock could
8 be revoked.

9 If one person that owns one slip in a
10 20 slip community boat dock continually disobeys
11 the rule, how does that affect everybody else?
12 I've read some of the rules or the -- how it
13 would be addressed, whether it would be
14 barricaded, a boat slip, or the whole dock, and
15 sometimes one family can possibly ruin it for
16 the rest. We didn't see the detail on how that
17 would be addressed.

18 And the other question is can you drive
19 down to the dock to drop people off and gear off
20 and then return to the vehicle parking area?
21 Where we are, it's very steep. And I'm the
22 youngest in our neighborhood, and I just turned
23 65. And it's getting harder for me to walk up
24 and down, much less be carrying what you would
25 normally carry to your boat for a day out on the

1 lake.

2 So that's all. Thank you.

3 CHAIRPERSON JAHNKE: All right. Thank
4 you very much.

5 MS. COBURN: Steve Featherston.

6 MR. FEATHERSTON: Good morning. I'm
7 glad you all finally got assembled and we could
8 move on with this process. I live in Eagle
9 Rock, Missouri. And I have had an issue going
10 on with about 10 -- for about 10 years where I
11 submitted a shoreline zoning request and it was
12 held for 10 years by the Corps of Engineers when
13 it was amended four or five times during all
14 that time. And then when we started this
15 process, I was told that my submission was
16 untimely because it was supposed to have been in
17 by 2003. And I didn't even live here then.

18 So in the meantime, I've made a lot of
19 preparations to -- for being zoned because the
20 place where I live otherwise fits all the
21 criteria for it. And I've been trying to
22 resolve the process for all of this time, and so
23 I'm following the steps of the -- you know,
24 progression of the Corps here.

25 There's several resolutions that would

1 be favorable to me, and I'm just hoping this
2 committee can help me resolve it. Thank you.

3 CHAIRPERSON JAHNKE: Thank you. All
4 right. We have no one else that has signed up;
5 is that correct? Does anybody want to sign up?

6 All right. Then we are going to move
7 on. Committee members, discussion/questions
8 based on what we've heard so far and/or read
9 that we would want to make sure to talk about?
10 And -- and we can -- we can also save that until
11 after we've heard the two presentations -- or
12 two or three presentations that we've got as
13 well.

14 So any comments before we start or
15 questions before we start the presentations?

16 MR. BENEFIELD: I guess my only comment
17 is -- and for you in the audience who continues
18 to comment is it would really help from my
19 perspective is when someone gets -- if we know
20 where in the document they were suggesting a
21 change. It's been, you know, very difficult for
22 me when I went through the comments, looking at
23 them, going here's an issue but -- but I'm not
24 completely clear how the document would need to
25 change to address it.

1 So I'm just kind of throwing that out
2 there for anyone in the audience who continues
3 to comment in the future that if there is an
4 opportunity to say "Hey, page 57 or Map 6.5,
5 this is where my comment really would need the
6 document be changed." That would also help,
7 because a lot of times we got a lot of comments
8 and they don't appear to be things that are
9 directly related to the Shoreline Management
10 Plan but there are things that needed -- so that
11 would kind of clarify.

12 Is that something that we can change or
13 -- or recommend to change, or is that just
14 something that maybe, you know, the Corps can
15 reach out, you know, and do a better job of
16 getting information out on?

17 CHAIRPERSON JAHNKE: Okay. Anything
18 else?

19 I think to follow up on that, I would
20 -- since many of the comments had some direct
21 questions about the Corps, I think it would be
22 beneficial to the committee to hear from the
23 Corps which ones apply to the plan and which
24 ones don't and -- and where so that -- that we
25 know kind of what -- where our boundaries are

1 here as well. That would be also helpful to us
2 based on all of those comments and suggestions
3 from that.

4 Anything else from the committee before
5 we move on to our first presentation?

6 (No verbal response.)

7 All right. We're going to hear from
8 Rodney Raley on the -- the solar power
9 presentation; is that right?

10 Okay. Yes. So the presentations that
11 we're going to hear now are presentations that
12 this committee requested based on our reading
13 and our discussion of the of the -- of the plan
14 from the last meeting. So -- so these were --
15 were questions and things that we didn't
16 understand and will come forward today.

17 Once again, our -- our questions and
18 our -- our -- our comments that we might make
19 today would lead potentially to some
20 presentations at our next meeting as well.

21 MS. SHORTT: Sorry. Tammy, as part of
22 the committee's request on solar power, you had
23 requested that we have a person who is a
24 professional in that field come in and talk
25 about it, and they weren't planning to be here

1 until lunchtime. So we can start with a
2 different presentation and --

3 CHAIRPERSON JAHNKE: Oh, okay. Sorry.
4 I didn't -- I did not realize that. So -- so do
5 we want to start with carrying capacity
6 presentation? All right. All right. We're
7 going to skip ahead, and that's Item IV a iii,
8 is that right, on the agenda? Okay.

9 MS. TANNEHILL: Okay. And I'm Trish
10 Tannehill. Can you guys hear me? I'm a GI
11 specialist here with the Little Rock District
12 Corps of Engineers and today kind of one rolling
13 two presentations into one because they're, you
14 know, related and talk about the carrying
15 capacity that's mentioned in the Shoreline
16 Management Plan and the potential number of
17 additional slips on Table Rock Lake.

18 Okay. Okay. So during -- this
19 presentation will -- will come from data from
20 analysis on a few different sources to help aid
21 in understanding the Carrying Capacity Study.
22 One of those is the Carrying Capacity section
23 under Special Topics within the draft SOP.
24 That's on page 37 of the draft SOP.

25 Also we'll talk about the Recreational

1 Boating Study completed on Table Rock Lake in
2 2010. The document was finalized in 2010. The
3 study was actually completed in 2009 during the
4 summer. And then we'll also look into the
5 Beaver Lake Boating Carrying Capacity Study
6 completed 2017. The study on the ground was
7 completed the summer of 2016. Just another way
8 of looking at -- of how another carrying
9 capacity could look. Helps it a little bit
10 more, explanation of where the numbers come from
11 so. . .

12 So this is a few definition and a few
13 factors using Carrying Capacity Study so we can
14 get a better understanding of how they're
15 developed. First thing you boat count. So for
16 Table Rock, the number of boats counted on the
17 water were 2,090. This was completed in the
18 summer of 2009 on a non-holiday weekends.

19 Useable acres. There's 33,000 useable
20 acres on Table Rock Lake. So you'll notice
21 there are 42,000 acres of water at conservation
22 pool at Table Rock but not all 42,000 are
23 useable. So you can remove many marinas, boat
24 launch areas, and areas near the shoreline that
25 aren't actually useable for a boat to move.

1 Acres per boat. You've heard mentioned
2 10 acres per boat in the past. That's developed
3 by taking the 33,000 useable acres divided by
4 the 2,090 boats that were on the water, and you
5 come up with a 15.8 acres of boat. That was as
6 of 2009.

7 Also involved in the study you need to
8 look at access opportunities. So where are
9 those boats coming from? So that's boat slips,
10 boat launch, ramp, parking spaces. And in 2009
11 that was a total of 19,254.

12 So what does acres per boat look like?
13 These pictures were used during the Beaver
14 Boating Questionnaire in 2016. And it was a --
15 the question was "Please review the boating
16 conditions depicted in the photos. Which photo
17 shows the maximum number of boaters you would
18 see at one time on Beaver Lake without thinking
19 it was too crowded?" That was the question.

20 And, of course, they don't see the
21 numbers of acres. They didn't see that. So
22 they would just circle and choose which they
23 wanted, A through E. So the picture that you're
24 looking at is actually -- an actual 100 acre of
25 -- of water on Beaver Lake. So in A, you see

1 two boats and 100 acres. So each boat gets
2 50 acres. That's kind of how this came about.
3 So that's just an idea of what you -- the
4 general representations so people can see acres
5 per boat.

6 So on Table Rock, what does acres per
7 boat look like? The dots on the map represent
8 boats that were counted on Table Rock on the
9 non-holiday weekends Table Rock Lake 2009. And
10 that's 15.8 acres per boat is what you're seeing
11 there.

12 So acres per boat. What is safe?
13 People's perceptions are different. However,
14 according to the recreation boating study in
15 Table Rock Lake Missouri that was completed in
16 2010, it states "A condition where acre per boat
17 are less than 10 is considered a threat to
18 safety and enjoyment." So look at that Picture
19 D again. That's 10 acres per boat is what that
20 would look like as a representation. Keep in
21 mind that number of 10 acres per boat later in
22 this presentation.

23 So a little bit about Beaver Lake
24 Carrying Capacity and a background on it. The
25 study included boat counts with simultaneous

1 ground counts on empty slips and ramp parking
2 spaces. It also included survey of boaters'
3 perceptions as well as data collected on
4 facilities, incidents, and demographics. So
5 this allowed for an insight of the boat origin,
6 as we saw before with the pictures, along with
7 other questions.

8 The maximum recommended boat density
9 was determined to be 14.5 acres for Beaver Lake,
10 which equals 1,689 boats on the water. So there
11 were 24,401 useable acres on Beaver Lake. So as
12 we showed the math before, you take the 24,401
13 useable acres, divide it by the recommended
14 number of boats, the 1,689, and you get
15 14.5 acres per boat.

16 During the 2016 study, there were 1,450
17 boats counted on the water, which is 16.8 acres
18 per boats. So you can, again, divide the 2,401
19 divided by 1,450: 16.8 acres. The 16.8 was
20 reserved Labor Day weekend and was at their peak
21 density for the four weekends counted. The
22 1,689 boats on the water, which is recommended,
23 minus the 1,450 boats on the water counted is an
24 additional 239 boats on the water before
25 reaching the recommended maximum boat density of

1 the 14.5 acres. And just a note, the 14.5 is
2 less acres than what was counted on Table Rock
3 in 2009.

4 So again, continuing the Beaver study.
5 At the time of the study, there were 7,843
6 access opportunities. So that's where the boats
7 come from. So the boat trailer parking, spaces
8 at ramps, marina slips, private slips, community
9 slips, and resort dock slips. The access
10 opportunities -- like I said, they're how the
11 boats get on the water.

12 The 239 additional boats on the water
13 equate to additional slips and boat ramp parking
14 spaces with the ratios below for Beaver Lake.
15 So for the boat ramp ratio, it's 1 to 1. Marina
16 ratio, 4 to 1. And private slips ratio is 14 to
17 1. Make a note, we should not attempt to use
18 this ratio on Table Rock Lake as lake use and
19 trends may not be the same.

20 So back to Table Rock. Key findings
21 for the 2010 study. And it's stated in the
22 document. "It appears that at 60 percent
23 increase in boats above the number counted in
24 this study, there is a threshold of crossing
25 nearly half of Table Rock Lakes Management

1 compartments as being Class 1 designation for
2 density conflict. Therefore management should
3 strive to conserve use levels to prevent these
4 levels from exceeding this threshold."

5 So what is 60 percent? We know the
6 number of boats on the water equate from the
7 number of access opportunities, which is our
8 slips, boat ramps, and parking spaces. In 2009
9 there was 19,254 access opportunities and 20 --
10 or 2,090 boats on the water were counted, the
11 15.8 acres per boat. So here in the -- in the
12 graph you can see the 19,000.

13 A 60 percent increase of 19,254 access
14 opportunities in 2009 is 11,552, which totals
15 30,806 access opportunities that we should not
16 exceed. In 2019 there were 21,217 access
17 opportunities -- you can see that on the
18 left-hand side here of the chart -- which leaves
19 an additional 9,589 access opportunities, which
20 should be added before 60 percent threshold is
21 reached -- which could be added.

22 So note, if you take the 33,000 useable
23 acres, divide that by the 10 acres, and that's
24 3,300 boats on the water, which is the 10 acres
25 per boat. And this is a -- Figure 6 is from the

1 Shoreline Management Plan section of the
2 carrying capacity.

3 Is 10 acres per boat where the lake
4 should be is the question. So in the document,
5 here in the quotes during -- in the SMP draft,
6 it says "PDT suggests that another carrying
7 capacity study be completed when funding becomes
8 available but not later than when the lake
9 reaches its midpoint to the maximum density
10 threshold."

11 The midpoint to the maximum density
12 threshold is approximately 26,000 boat slips and
13 boat launch launching ramp parking spaces. The
14 26,000 access opportunities allows for
15 approximately 5,000 additional slips and boat
16 launching ramp parking spaces. Based on the
17 slip numbers counted in 2009 and 2017, Table
18 Rock has been experiencing a 6.9 annual growth
19 rate, and Table Rock Lake may not reach this
20 threshold for another 61 years.

21 So that leads into the second
22 presentation where the question that was asked
23 that -- regarding the potential number of
24 additional slips. In the draft Shoreline
25 Management Plan, in the Environmental Assessment

1 -- it's on page 12, I believe -- this chart is
2 available. We can see alternative 4, 4A, the
3 preferred alternative could have 15,708
4 potential number of additional slips. So due to
5 the error in the estimate, the differences in 4
6 -- alternative 4 and 4A are insignificant. It's
7 just an idea to give us the differences in the
8 alternatives, was the purpose of this chart.

9 So moving forward, if we take the
10 21,217 existing, plus the 15,708 potential, that
11 would be 36,925, which would exceed the
12 60 percent threshold of the 30,000 that we had
13 talked about before. So in the draft plan, it's
14 mentioned the study, which is the future
15 carrying capacity study, will have the potential
16 to adjust the numbers of boat slips and boat
17 launching ramp parking spaces either up or down
18 depending on trends observed at the time of the
19 study.

20 Until this study is completed, there
21 will be a threshold of 30,806 boat slips and
22 boat launching ramp parking spaces on Table Rock
23 Lake. So that's the quotes from the section on
24 the carrying capacity in the draft.

25 CHAIRPERSON JAHNKE: All right.

1 Committee members, it's time for questions.
2 Please come back to your seats so that you can
3 use the microphones and everyone can hear our
4 questions.

5 MR. COX: I have a question. So how
6 does this reconcile with, you know, the physical
7 space that's available for, you know, reaching
8 this kind of a number? Because if you look at
9 marinas, there's -- there's not capacity to grow
10 like that. And the shoreline -- you know, the
11 red areas, I mean, is -- where are we on the
12 growth curve in terms of space?

13 MS. TANNEHILL: So I believe that chart
14 from the EA where you get that original number,
15 the 36,000, and that additional number available
16 is calculated based off of the GIS maps placing
17 boat docks into every available location. So
18 currently there's more LDA available than if
19 it's fully utilized than we recommend slips
20 should be allowed on the lake. Does that make
21 sense?

22 MR. COX: Yeah. Okay.

23 MR. McDANIELS: So there is room for
24 all of those, potentially even room for future
25 marinas, if that were to be determined in the

1 public interest through feasibility studies,
2 market analysis, et cetera, but they would have
3 to be in high density areas within the Master
4 Plan and would not be part of the Shoreline
5 Plan.

6 MS. THOMAS: So just -- just for
7 clarification, in -- on page 38 of the draft, it
8 shows that we had slips available of 19,254 in
9 2009, and then in 2019 it says 21,217. That's
10 not an actual number. That is a 60 percent
11 number? How -- how -- I don't understand that.

12 MR. McDANIELS: That's the actual.

13 MS. THOMAS: So we have only grown a
14 couple thousand slips in 10 years?

15 MR. McDANIELS: Correct.

16 MS. THOMAS: So that's where that
17 61-year number comes in? That we might not
18 reach this for something about 61 years?

19 MR. McDANIELS: So it's -- the 61-year
20 number is -- would be straight linear growth as
21 whatever that was Trish said, 6.9 --

22 MS. THOMAS: 6.9.

23 MR. McDANIELS: -- percent. So I think
24 there was a comment earlier about, you know,
25 looking out years into the future, so,

1 obviously, something big could happen at
2 something in the future and you could see a huge
3 surge in the number of slips. You could -- you
4 could get a new marina site that was proposed
5 and gets approved for 300 slips or 500 slips.
6 That would be a huge change.

7 But yeah, based off of that last
8 10 years, you know, with the current economy and
9 the area of the U.S., the whatever -- I mean,
10 those are the growth rates we've been
11 experiencing.

12 MR. COX: Just -- I know it's right
13 here in front of me. Are we -- we've got 18,000
14 slips, 4,000 in marinas, 14,000 in private
15 docks; is that about right?

16 MR. McDANIELS: Trish will answer that.

17 MS. TANNEHILL: So on the presentation
18 at Slide 10, in 2019 there was 13,549 private
19 slips. Public launch ramp parking spaces
20 there's 1,278. Marina wet slips 4,291. Marina
21 dry slips 380. Resort slips 1,719. That totals
22 the 21,217.

23 MR. COX: I'd definitely point out, you
24 know, there's a definite use pattern with folks
25 that are paying for a slip or paying for a

1 storage location. You know, that -- there needs
2 to be, you know, some equations built in terms
3 of, you know, how many slips are being
4 underutilized? How many old docks are out
5 there? What is the -- the method to having
6 those come available? It's interesting. Not
7 every slip has the same impact.

8 MR. McDANIELS: Yes. So -- so if you
9 looked at the Beaver study -- and one of the
10 reasons Trish, I think, used that one -- because
11 we have different examples from Texas, which is
12 within our region, and even other places across
13 the country, and they all come out with kind of
14 similar recommendations, you know, different
15 ranges of what level of density.

16 But in the case of Beaver, if you
17 looked on the slides there, you'll see very
18 specifically where the marinas are, like a 4 to
19 1 and private docks are 14 to 1 and parking
20 slips are -- or spots are 1 to 1 based on the
21 usage that you would expect.

22 And I think when you go further into
23 some of the research, you'll actually see those
24 numbers alter from weekends to weekdays where
25 you'll see more people with private boat slips

1 tend to utilize their boats on weekdays. Marina
2 boats seem to be utilized more on weekends. But
3 when you're managing to a maximum density -- so
4 yes, Beaver has a very complicated process of
5 calculating those ratios in that math.

6 After going through the earlier
7 portions of the SMP here, the team decided to
8 take a more liberal approach to it and maximize
9 the use. You've probably over the years heard
10 the term kind of managed toward red, and you see
11 that in that voter perception study where that
12 Category 1 area is shown as red on the map. So
13 some of the numbers that we're driving to using
14 a much more liberal interpretation of that get
15 us towards that red max density across the lake.

16 Now, current use trends seem to show
17 that people spend more time probably from the
18 Kimberling Bridge down. In the future, maybe
19 there will be development that pushes that
20 upwards. But when you're looking just the way
21 that we have it set up with the maximum number,
22 it's not a number by zone. It's not saying
23 "Hey, all the new docks need to go up to where
24 it's yellow or green." It's a very liberal
25 approach to maximizing the use of Table Rock

1 Lake, which is a different approach than we've
2 taken at other lakes.

3 MR. COX: So that -- so that -- if I'm
4 understanding, that was what, a Google Earth
5 shot and then you counted the boats on the water
6 on -- on the Labor Day weekend?

7 MS. TANNEHILL: The -- oh, of the
8 choices A through E?

9 MR. COX: Well, I mean, and we had --
10 when you had a boat count at Beaver, that was a
11 -- that was a snapshot at one point on Labor Day
12 weekend; is that right?

13 MS. TANNEHILL: So the map that had the
14 yellow dots --

15 MR. COX: Yeah.

16 MS. TANNEHILL: -- that's actually
17 Table Rock Lake in 2009.

18 MR. COX: Oh, yeah, you're right. That
19 is Table Rock.

20 MS. TANNEHILL: Yeah.

21 MR. COX: And that's just a snapshot;
22 that's not throughout the day, right?

23 MS. TANNEHILL: That was their count
24 that they went through. I think it was like a
25 three-hour period that they went around and

1 counted the boats and marked them on the map as
2 they were driving along on a boat and they put
3 points on the map and noted what type of boat it
4 was. And so that's physical boats that were on
5 the water during the non --

6 MR. COX: But that's --

7 MS. TANNEHILL: -- holiday weekends.

8 MR. COX: Don't you think you need to
9 have a snapshot to get a -- because that's over
10 a three-hour period. What if people were coming
11 and going and going in and out?

12 MS. TANNEHILL: Right. So same with
13 the Beaver Lake study. There's some time frame
14 but it's not exact. But --

15 MR. COX: Yeah.

16 MS. TANNEHILL: -- I mean, there's no
17 -- that's how the other studies are completed --

18 MR. COX: Okay.

19 MS. TANNEHILL: -- that I've seen.

20 MR. COX: Okay. Just curious.

21 MS. TANNEHILL: So they physically got
22 out for a window --

23 MR. COX: Yeah. And I remember when
24 they were at the marina so. . .

25 MS. TANNEHILL: Yeah, yeah.

1 MR. McDANIELS: Yeah, Beaver was done
2 by a contractor. And I don't remember if it was
3 Beaver or the Texas ones, but they actually flew
4 the lakes to count the boats.

5 MS. TANNEHILL: Yeah, Beaver Lake did
6 helicopter --

7 MR. McDANIELS: Helicopter for this?

8 MS. TANNEHILL: -- and they took
9 pictures as they were flying.

10 MR. COX: Yeah. That -- that sounds
11 like a good method.

12 MS. TANNEHILL: Um-hum.

13 MR. COX: Yeah.

14 MR. McDANIELS: And then they had --
15 they also had people at all the boat ramps
16 watching boat trailers come in and go out and
17 counting them and --

18 MS. TANNEHILL: At the same time,
19 correct.

20 MR. McDANIELS: Right.

21 CHAIRPERSON JAHNKE: Any other
22 questions about the carrying capacity and
23 potential number of additional slips
24 presentation?

25 (No verbal response.)

1 CHAIRPERSON JAHNKE: Dana, do we have
2 anyone else who's come in and wants to comment?

3 MS. COBURN: I have not been notified
4 of any further public comments.

5 CHAIRPERSON JAHNKE: Okay. Thank you.
6 All right. So we can do the solar
7 power presentation? Great. Okay. We're going
8 to go back to IV a i.

9 MR. McDANIELS: Rodney.

10 MR. RALEY: All right. My name is
11 Rodney Raley. I am the Deputy Operations
12 Project Manager here at Table Rock, and I'm
13 going to give just a summary per request from
14 the last meeting on our implementation at Table
15 Rock on solar. We also contacted some of our
16 permittees of our docks that have solar to kind
17 of get their input as well as a -- a rough cost
18 on the comparison between the two.

19 So we implemented the project policy on
20 March 1st of 2013 that required any new power to
21 docks must be applied -- must utilize an
22 alternative source. We -- we reference solar
23 power a lot because right now that is the
24 primarily alternative source, but it is -- you
25 know, the future may, you know -- another source

1 may be available, but right now primarily we're
2 referencing solar.

3 The policy also states that any
4 existing underground or overhead power is
5 allowed to remain as long as it is, you know --
6 meets the National Electrical Code, all the
7 Corps standards, and is still safe.

8 So currently 214 docks have solar power
9 on Table Rock Lake. Of the 214, 90 of those
10 chose to implement solar power on their dock
11 before we even implemented a project policy for
12 it. So there's several out there that, you
13 know, upon themselves -- that's the way they
14 wanted to go. In addition, 22 of those chose to
15 actually change from shore-based power to solar
16 after March 1st. So although we required after
17 March 1st that they -- to go to solar, there was
18 22 docks out there upon themselves chose to
19 convert. We still have 1,340 docks out there
20 that still have shore-based power, which is
21 underground or electric power.

22 As I mentioned, we contacted
23 approximately 10 percent of those docks that
24 have solar power. We put all the docks in a --
25 a random -- in a program that was selected to

1 randomly -- about 10 percent of them, and we
2 chose to contact those docks. And we just
3 wanted to get input from them. We wanted to see
4 what their overall satisfaction was as far as,
5 you know, any pros and cons they felt.

6 The responses included docks that --
7 where solar power has been installed in the last
8 20 years, and the average dock has had solar
9 power for seven years. So 82 percent or 18
10 respondents reported they are satisfied with the
11 use of solar while four reported they were not
12 happy with their -- with the current solar
13 configuration on their dock.

14 Overall slip owners have a tremendous
15 peace of mind regarding safety with solar, the
16 ability to adjust their dock and continue to
17 have electric during high and low water
18 conditions as well as the cost savings they
19 perceive in the long run.

20 All right. The -- this looks like the
21 cons. And this looks like a much bigger list
22 than the previous, you know, I guess you'd say,
23 pros. But we did -- along with kind of asking
24 them pros and cons, we did talk to them about
25 what they felt they sacrificed by having solar

1 versus electric. So this -- this list is a
2 little bit longer because they -- they kind of,
3 you know, gave us a longer list of some stuff
4 they felt they sacrificed.

5 So, hard to find people to work on the
6 system during the summer, cannot charge a
7 trolling motor, initial setup cost, the power is
8 not consistent, battery maintenance, inability
9 to use multiple lifts at the same time, unable
10 to use dusk to dawn lights, inability to use
11 power tools or equipment on the dock, bulky
12 battery storage on the dock fingers to walk
13 around, high expense of replacing batteries, and
14 one mentioned locks have been cut and batteries
15 and inverters stolen.

16 A common response from the permittee
17 was all slip owners need to understand the
18 system capabilities and for the slip owners to
19 manage the electric accordingly. And many of
20 the responders said you -- stated you get what
21 you pay for on the solar system and it should be
22 designed correctly to meet the needs of the
23 users on the dock.

24 All right. When asked about comparing
25 cost at the last meeting, I contacted a

1 electrician, which dock builders recommended me
2 to contact, as well as a solar provider. There
3 are many factors involved with this.

4 I did a comparison on a typical
5 12-stall dock. And shore-based power I think
6 the price on the dock is fairly consistent, but
7 electric to the dock, there's a lot of factors.

8 You know, with underground electric it
9 would be, you know, trenching, the amount of
10 rock they're trying to trench in, the distance
11 from the dock to an available source. So they
12 said there's a lot of factors, but a dock
13 builder who'd -- who had installed electric to
14 many docks kind of gave me a ballpark price.
15 For a dock, he said it's about 200 feet from the
16 -- the boundary line -- or from the water to the
17 boundary line. And solar -- just at a price
18 range here -- and that just depends on the
19 battery size and what you want to do on the
20 dock.

21 All right. So that was, like I said,
22 just a summary trying to answer some of your
23 questions of -- from the Corps aspect. We have
24 an individual here, Mr. Nathan Jones, who
25 operates Power -- exact name is Power Source

1 Solar. And Nathan is here to address the
2 technical aspects for solar. So, Nathan, you
3 want to come on up?

4 MR. JONES: Can you bring that slide
5 back up on the concerns?

6 MR. RALEY: Sure.

7 MR. JONES: And we can just kind of go
8 through. There we go.

9 MR. RALEY: I'll go ahead and let
10 you --

11 MR. JONES: Pardon me. I'm scared to
12 death of public speaking so bear with me.

13 I've been in the solar business full
14 time for 24 years. And we did a dock system for
15 a friend on Table Rock Lake that just could not
16 get shore power down to it effectively, and
17 that's where this all started. And then the
18 Corps started looking towards it, and we kind of
19 started doing more and more of it. And it has a
20 pretty good reputation because we -- we size the
21 systems out per the customer's expectations.

22 And I have lived off grid on solar
23 power for 24 years; never had a utility line on
24 my property. We run our company on solar power
25 where we built these systems, and we've never

1 had a light bulb flicker in that time from power
2 failure in any way. So I've had a lot of
3 practice at this sort of thing. We made a lot
4 of mistakes, we've got a lot of scars, but we
5 learned from that and we carried that forward.

6 And if we go through here, it is hard
7 to find people to work on the systems because
8 there's not very many of us. The new generation
9 of solar guys that have come into the industry
10 are grid-tied. They don't deal with battery-
11 based systems. They don't deal with what we
12 call a standalone system, which is what these
13 docks are. So there's not a lot of common
14 knowledge out there.

15 And I'm 64, and I'm -- I'm starting to
16 realize my generation, which was in the solar
17 business before the utilities allowed
18 interconnection -- we had to work with
19 batteries. We weren't allowed to sell back into
20 the utility grid with these systems back and
21 forth. And so we had the battery experience,
22 and this whole generation of us old solar guys
23 have that knowledge. And we're, you know, now
24 looking do we pass that on in some way?

25 Ten years ago probably the Corps asked

1 me to come down to Russellville, and they
2 questioned me on what would happen if they
3 mandated solar. And the first words out of my
4 mouth: "Guys will want to charge trolling
5 batteries." Well, what about these big docks?
6 We've been running systems to run commercial
7 buildings for many, many years. Big docks are
8 no problem. The problem is charging these
9 trolling batteries, and it's technical, but
10 here's what happens.

11 We have a 12-volt DC solar panel and a
12 12-volt battery. We've got a boat over here
13 with three 12-volt batteries, three bank
14 chargers, a 12-volt charger, a 12-volt charger,
15 and a 12-volt charger. So our objective is to
16 move electricity from this battery to this
17 battery. So let's take our power out of this
18 battery, let's run it into an -- an inverter,
19 and let's change it to 120-volt AC with the
20 corresponding loss, and now let's plug a battery
21 charger into the inverter and change it back to
22 the 12-volt DC we had in that battery right
23 there.

24 So we have a -- a loss from the solar
25 panel in real world conditions. We've got a

1 wiring loss. We've got a charge controller with
2 a loss. We've got a battery that's power in and
3 out that's got a loss. We've got cables going
4 to our inverter with a loss. We've got our
5 inverter with its loss. We've got a battery
6 charger with its loss. Then we've got our
7 source battery over here on the boat with its
8 loss.

9 And in addition to that, we have an
10 inverter which is taking DC and making AC, and
11 we've got a battery charger which is taking AC
12 and making DC. It's complex. But what it
13 amounts to, if we have 100 watts in this battery
14 right here, we get about 30 watts into this
15 battery over here. We lost 70 percent of the
16 electricity that solar power is able to
17 generate.

18 A good way to visualize it is our
19 battery on the solar is a 5-gallon bucket of
20 water. When you plug your bass boat into that
21 thing, you're going to suck a gallon a minute
22 out. If your solar panel is putting a cup a
23 minute in, you're going to run your system dead
24 very quickly. And that's what happens because
25 these losses are not accounted for.

1 So there's two ways to address it.
2 No. 1 is just put a solar panel over the boat.
3 If it's a 24-volt charging system, let's put a
4 24-volt solar panel up there. Let's bring that
5 solar panel down to a disconnect. Okay? Let's
6 put a charge controller in there. Let's put a
7 patch cable on our boat battery, and let's just
8 plug in. When the sun is shining, we can charge
9 our batteries. When the sun is not shining,
10 you're not going to charge at night no way, no
11 how. It's just the nature of solar. If it's a
12 12-volt battery, you got a 12 volt. So that's
13 one simple approach to the battery charging is a
14 dedicated circuit.

15 Where -- the Corps as of yet has not
16 made a ruling of whether we've got to have an
17 engineer's stamp on this sort of thing. We're
18 all kind of discussing it at this point.
19 I don't think it's probably warranted because
20 this isn't really all that dangerous.

21 If we short-circuit a solar panel, it
22 doesn't do anything. We can take our solar
23 panel, then take our negative and our positive
24 and just twist them together, it doesn't do
25 anything. We can leave them that way for

1 20 years, un connect them, the solar panel goes
2 right back to work again. They're pretty
3 benign. We do that in our business routinely.

4 Some of the commercial jobs that we do,
5 we're wiring that solar at 600 volts on the DC
6 side. We're getting into our inverter, and
7 we're taking it down to 240 volts or 208V phase
8 or whatever it is. But when you're messing
9 around with 600 volts of DC, it's pretty
10 dangerous. It'll jump, it'll arc pretty bad, so
11 we just twist the wires together and short them.
12 Now we have no voltage there. We can do what we
13 need to do. When we're done, we unshort the
14 things and go back to work.

15 So another way of charging the trolling
16 batteries is to understand that we have these
17 tremendous losses involved. And let's just put
18 a disproportionate amount of solar on the roof
19 of the dock. The solar panels, when we get into
20 the larger residential scale solar panels,
21 aren't very expensive. They're the same price
22 for a 300-watt panel as a 12-volt solar panel is
23 for something half that size or less than half
24 that size.

25 So we move into residential scale solar

1 panels. And let's say we put 600 watts up there
2 on the roof when the dock itself could probably
3 get by with 150 watts. Well, now we've got
4 300 watts available for the batteries on the
5 boat and we've got 300 watts that we can burn at
6 all of these losses. So yeah, we're sucking a
7 gallon a minute out of that 5 gallon bucket, but
8 we're putting a gallon a minute in the top. So
9 the sunshine is just kind of flowing through the
10 system. Works fine as long as you've got
11 sunshine. No sun, it's going to go dead in
12 5 minutes. We're back to the same scenario.

13 So we're addressing that in a couple of
14 ways. If somebody lives there and -- and they
15 can manage the system -- we're putting timers on
16 these setups. So they can get a timer. Four or
17 five charge time, sun starts fading out of the
18 power curve, shut the system down. You cannot
19 charge at night with solar. It doesn't make
20 electricity at night. You're on battery. And
21 if you're just vaporizing that electricity
22 without any input, you'll run your system down
23 pretty quickly.

24 So we're now, actually today, working
25 on a circuit that we're using voltage to switch

1 these systems on and off. So when the sun comes
2 up in the morning, our system rises in its
3 voltage. We turn our inverter on. It can
4 charge. As a -- as we get into a cloudy
5 condition and the battery voltage begins to
6 drop, it shuts it back off. When the voltage
7 comes back up, it turns it back on.

8 So we're cycling these systems using
9 the sunshine as our trigger because the sunshine
10 will elevate our voltage. And so we're -- we're
11 working on one of those today, and it'll go into
12 Olathe, Oklahoma (sic) next week. So we can
13 charge trolling batteries. You just have to do
14 it in a -- you got to understand it upfront that
15 that's what you're trying to do and don't just
16 go buy a system and expect you're going to plug
17 the trolling motors in. You'll have problems.
18 But if you do it right from the get-go, you can
19 get it to work.

20 The additional setup. It is what it
21 is.

22 The power's inconsistent. I would
23 dispute that because I've never had any problems
24 with my power delivered at my house. Where
25 power is inconsistent is one of two things:

1 poor system design or someone did design the
2 system to your expectations and what you told
3 them and then you triple that. And I see it all
4 the time.

5 You know, we'll talk to somebody, and
6 oh, we just want to do this, we want to do this,
7 and we want to do this. Okay. Here's what it
8 takes. You know, we get a call the system's
9 dead. We show up down there, every electrical
10 device known to mankind has multiplied on this
11 device. And we're like, well, wait a minute.
12 And so we see -- we see that. We put a little
13 bit of a pad on our system. We don't try to
14 engineer them just right to the threshold. We
15 do have some grace -- grace in there.

16 Battery maintenance. On a flooded
17 battery, every three months you're going to be
18 pouring water in them. On a sealed battery,
19 they're a maintenance free until it's time to
20 replace them. In my opinion, the sealed
21 batteries are a better approach on a boat dock.
22 A cycling battery needs to cycle. They have
23 acid, they have water, and it needs to be mixed.
24 And that's mixed by a discharge/recharge cycle.
25 You hear those batteries in a rolling boil, it's

1 missing that electrolyte.

2 When they just sit and they're
3 stagnant, the acid is heavier than the water and
4 tends to settle to the bottom, and it shortens
5 the battery life because it's eating the plates
6 up on those -- on those batteries.

7 So an AGM or a sealed battery or a gel
8 battery, as some people refer to it, is a
9 stationary type of a battery. It's made to just
10 kind of sit at a full state of charge. That's
11 what you see in cell towers. All UPS systems
12 are all sealed batteries. They're made to just
13 sit there in a standby.

14 If you think about the power usage on a
15 boat dock, 85 percent of the entire service life
16 of that system it's doing nothing; it's in
17 standby. And so the sealed batteries are a
18 viable option there and they do away with the
19 maintenance issues on the batteries. They're
20 pricey. They add 50 percent to the cost of the
21 batteries over a flooded. So, you know, again,
22 you get what you pay for.

23 As far as the multiple boat lifts, we
24 can build systems. If you want to raise five
25 boats, we'll build a system for it. The

1 question is do you want to pay for that? You
2 know, so it's an economic -- economic thing.
3 We'll build what you want, be it a boat dock, be
4 it a residence, be it a commercial system. If
5 you've got the money, we'll build it. Most
6 people kind of choke when they get that price
7 tag.

8 So they want to buy a system that will
9 run one lift but they don't want to pay for a
10 system that will run two, and then it's
11 problematic. But we've got systems that will
12 actually run three, but we put those on these
13 big 20 slip docks.

14 Dusk to dawn lighting. Again, simple
15 to do for the most part. It's -- it's
16 understood by very few. If you look at what
17 happens on a dusk to dawn on a solar, the solar
18 makes electricity with sunshine. And we have
19 different production numbers for different
20 months of the year. We range here at our
21 latitude -- June, we're at 6.6 hours average sun
22 hours per day that solar produces electricity.
23 In December we're at 3.2, so less than half of
24 the generation in December that we have in June.

25 But as our daylight hours have gone

1 short, our nighttime hours have grown long. So
2 at our point in time where we need to generate
3 our most power we have our least solar harvest.
4 Second, we have two weeks of zero sun conditions
5 in December in a lot of cases where we don't
6 even get an hour, if that, of sun per day, and
7 yet we've still got this light bulb that
8 somebody's wanting to burn 14 hours a night.
9 But our storage capacity is batteries, and if
10 they're sitting there at 0 degrees, their
11 storage capacity is half what it was at
12 77 degrees. So we reduce our battery storage,
13 we reduce our solar yield, we increase the need
14 to be able to do this for a longer period of
15 time and it becomes difficult to solar.

16 So most of the systems that are
17 designed to run dusk to dawn lighting are what
18 we call 70 percent systems. They'll work fine
19 from 1st of March to the end of September.
20 They're fine. But they don't have the capacity
21 to handle that three months out of the year when
22 we get into long nights/cold weather/no sun. So
23 as a rule, the system price will double to allow
24 that for that other three months. So most of
25 the systems that are marketed out there and most

1 of the stuff that's probably quoted out there is
2 quoting on a 70 percent basis and they're not
3 making that allowance for that other 30 percent.

4 So dusk to dawn lighting -- we use it
5 on the DC side. We use the solar panel as a
6 photo cell and we just -- if we're making
7 electricity, we pull the switch open, the light
8 turns off. When we're not making electricity
9 from the solar panel, the switch closes, the
10 light turns on. We do that on a low voltage
11 disconnect circuit so that if our battery
12 voltage drops to a certain point, again, we open
13 that switch and we don't close it until that
14 voltage goes up, but we're not doing that with a
15 120-volt system. We're doing it just off of a
16 battery and a light bulb with a switch
17 connecting them.

18 An inverter provides us 120-volt
19 electricity, but an inverter is like a
20 generator. If you leave it running 24 hours a
21 day, it's just like leaving your car running
22 idling in the driveway all night because you're
23 planning to work the next morning. You've used
24 fuel out of that vehicle even though it wasn't
25 doing anything. An inverter's the same way. If

1 it's idling, it's using electricity.

2 (Reporter interruption.)

3 Well, when an inverter's running, it's
4 using fuel. And so we try to build our systems
5 that they're on-demand type units. Think of it
6 as a generator. Turn it on when you're going to
7 use it, shut it off when you're done. And it's
8 -- it allows us to accomplish the same objective
9 on the dock without having to upsize the system
10 cost and price to allow that thing to just sit
11 there and run. Some of them do. And we -- we
12 see it. And, you know, some guys want to do
13 that, and we built it in. Well, okay. We'll
14 throw some extra solar battery, a little bit
15 more battery on the thing, and let it run 24/7.

16 Power tools and equipment. If you've
17 got a system that'll run a boat trolling motor,
18 it's probably going to run a skill saw, it's
19 probably going to run a hand drill. We run
20 table saws off of our stuff pretty routinely.
21 We -- we build these systems in-house in our
22 shop, so we're kind of a manufacturing facility,
23 and we don't -- we try not to just build them
24 and send them out the door. We try to keep them
25 in the shop and let them run for a few days.

1 And we're not above grabbing skill saws, table
2 saws, whatever, and plugging into these systems
3 and running them. If we've got an electronics
4 issue, we would rather catch it in our shop
5 before it goes out on a job somewhere than after
6 the fact. So we run a lot of equipment off of
7 our stuff in our shop.

8 The bulky battery storage on the dock.
9 We are where we are. You know, we built these
10 things as small and as tight, as compact as we
11 can. Probably we could talk to the Corps at
12 some point about getting these things in an
13 over-the-rail outside setup. Thus far, we've
14 not.

15 We've had some concerns of the weight,
16 the big battery packs, you know, our stuff
17 weighs -- our -- our main system weighs
18 309 pounds. And we're -- presently we're
19 sitting them on the dock and bolting them down
20 and then we try to get them bolted into the rail
21 right behind them? But there's a possibility
22 that we could be sitting these things on the
23 outside of the rail at some point.

24 I have some concerns with that because
25 we've now got electrical stuff hanging out

1 there, exposed on the backside, the outside of
2 the railing of the dock that's susceptible to
3 damage and destruction. And also you've got an
4 installer that's hanging out over the water
5 trying to work on these things. You know,
6 you're trying to do your electrical work out
7 over the water instead of on the decking itself.

8 And we have had one set of batteries
9 stolen, and it was down DD Highway, and it was a
10 replacement. It was a seven or eight-year-old
11 system. We went in, put a set of sealed
12 batteries in them, and a week later the guy
13 comes back down from Kansas City, the batteries
14 are gone. He calls me up. I go down there and
15 put new batteries in. I said, "Well, did you
16 lock it?" "Well, why would I lock it? Who
17 would steal batteries?" "You just put \$1,000
18 worth of sealed batteries in that thing, you
19 know. What do you think?" So that's the only
20 incident we have seen on our stuff with -- with
21 theft.

22 Solar's an intermittent generating
23 device. For the most part, boat docks are
24 intermittent usage, and we can make that work
25 pretty well. When solar production is low

1 because of bad weather, lake activity tends to
2 be low because of low activity, so it's a fairly
3 good marriage in that regard.

4 Safety. It is -- as far as the
5 120-volt electrical aspect of it, it is far
6 safer because we have removed the earth
7 reference. We've got a floating ground. We've
8 created an electrical circuit in midair that is
9 self-contained. The utility grid in the United
10 States is what we would refer to as earth-
11 referenced. It is always looking for a pathway
12 to ground for the earth, and it'll use any and
13 all available means to return to its source.

14 I'm standing on the ground. There's
15 120 volts in that plug-in right there. And if I
16 stuck my finger in there on that, it would
17 probably tickle me a little bit because I'm in
18 contact with the ground and I've given it an
19 electrical pathway.

20 When you have a floating facility out
21 on the water and you've got shore power, you've
22 got a delivery wire bringing electricity out,
23 but anything that comes out has to go back on an
24 existing wire. We call that the hot and the
25 neutral. And we have a safety wire there which

1 we call our ground.

2 And in a perfect function, if we have
3 10 amps coming out on our hot, we have 10 amps
4 going back on our neutral. We've got a ground
5 here as a safety but it has no electricity
6 flowing on it, but in a ground fault condition,
7 we now have 10 amps coming out. Let's say we
8 have seven going back on our neutral and we have
9 three on our ground; we have a ground fault.
10 And this is what our safety equipment is
11 designed to pick up.

12 GFIs, GFI breakers are designed to see
13 exactly the same amount coming out on this wire
14 as they have going back on this wire. And if
15 they don't see a perfect match, they're supposed
16 to shut off. They're not 100 percent failsafe.
17 We're relying on something that's potential
18 corrosion, old age, improper hookup, a lightning
19 hit, and more and more compatibility issues.

20 We encountered a situation last year on
21 Bull Shoals that we put these USB chargers on
22 the receptacles. And these things are taking
23 120 volt and changing it down to 5 volts for
24 cell phone voltage, but you can't get those with
25 a GFI breaker or a receptacle, so we put a GFI

1 breaker in and then we put 12 of these USB
2 things on the dock. Everything worked until it
3 came time to test our circuit and our GFI
4 breaker would not trip. We could not make that
5 thing trip, and even at a dead short.

6 And we chased and chased and chased,
7 and finally put a GFI receptacle in and got it
8 to work, but there was a frequency put into that
9 wire from those USBs that was affecting the
10 frequency or harmonics of that US -- of that
11 GFI, and it negated its ability to function and
12 yet it was wired to code. So we went back, put
13 regular breakers in, and put a GFI feed breaker
14 on both sides of that dock and got it working
15 again.

16 But, you know, relying on technology is
17 getting ever more complex because we've got this
18 technology which no longer works with this
19 technology. And -- and so it's getting more
20 technical. And --

21 But as far as safety, when -- when you
22 have a leak on the dock and you've got
23 electricity that's gotten into the water
24 somehow, and anything that gets onto the ground
25 of the dock on the ground wire -- the ground is

1 connected to the frame of the dock itself, so
2 now you've got the potential for part of that
3 electricity to be flowing back on the ground
4 wire but part of it to be used in the water.
5 You've got a split. And the conductivity is
6 determined by the water quality.

7 Distilled water doesn't conduct
8 electricity. You can fill a bathtub full of
9 distilled water and climb in there with your
10 toaster to swim. It won't hurt you because it
11 doesn't conduct. Fresh water is a terrible
12 conductor. So the mineral content in the water
13 determines what that split is or the electrical
14 flow through the water. When -- and we have
15 measured it as width and depth and seen what it
16 does. And when the water's turbid after a -- a
17 rain and we've got a lot of turbidity in the
18 water, this electrical pathway narrows down. It
19 gets shallower and it's got a better electrical
20 pathway. But as the lake settles out, the water
21 becomes clearer, that electrical pathway widens,
22 it disperses, and so the area of danger
23 increases.

24 We're saltwater as human beings, so we
25 are a much better conductor than this freshwater

1 we're swimming in. We become that wire, and we
2 are the full length. And so the danger
3 threshold is 22 volts. 22 volts in freshwater
4 is what we would consider fatal. 15 milliamps
5 is full muscle paralysis in an adult male.

6 And if we -- to put that in
7 perspective, if we take a 120 watt light bulb,
8 the old incandescent -- let's take 120 watt.
9 That's 1 milliamp per 1 amp. That's -- that's
10 -- so 15 milliamps is -- 1/15,000s of the power
11 required to run that light bulb is what will get
12 you in freshwater. So a little bit of
13 electrical bleed is -- is -- bleed is pretty
14 dangerous.

15 Solar is self-contained so it's not
16 trying to get back to shore. It's trying to get
17 back to its source, which is in midair and
18 created here. So we've somewhat eliminated the
19 water around the dock as an electrical pathway.
20 It's -- if the dock is wired correctly, the 120
21 volt side of the stuff is pretty safe. The
22 dangerous aspect of the solar on the dock is the
23 explosive power of the batteries in a 12 volt
24 system. Batteries can and do explode. They've
25 got a lot of stored energy in them. And the

1 flooded batteries create hydrogen gas, and we
2 see a lot of venting issues that are
3 misunderstood. We've seen homemade boxes where
4 they got vents down on the bottom and a sealed
5 top. Hydrogen's lighter than air. It's going
6 to pool up at the top. And so when that lid
7 opens up, there could be a pocket of hydrogen
8 there, and if you've got a cigarette in your
9 mouth, you could get a little bit of flash, and
10 it might not be pretty. But it could also
11 detonate the batteries, and that's where the
12 danger really comes in.

13 So they're relatively simple in their
14 operation. And in a lot of ways they're safer.
15 In some ways you need to be more respectful of
16 them and understand that.

17 So any questions from anybody while I'm
18 on? Yes, sir.

19 CHAIRPERSON JAHNKE: I believe that the
20 questions need to come from the committee
21 members --

22 MR. JONES: Okay. Sure.

23 CHAIRPERSON JAHNKE: -- at this point.

24 MR. JONES: I'm sorry.

25 CHAIRPERSON JAHNKE: So, committee --

1 committee members, questions that you might
2 have.

3 MR. COX: Yes. That was a heck of an
4 education. I thought it was -- I thought it was
5 far simpler than that. I think, you know, in
6 theory solar is definitely a great idea. There
7 are massive limitations, obviously. I think
8 safety, you know, for me, in electrical is --
9 that's what keeps me up at night and we're
10 continuously --

11 MR. JONES: Well, it's invisible.
12 I can't see it and it's trying to kill me. You
13 know, there are days I'd rather work in a room
14 full of rattle snakes because at least I can see
15 them.

16 MR. COX: Yeah. So let's compare that.
17 So let's say you have a -- a four alarm system
18 to your boat dock, so you -- you're going out
19 over the water but, you -- you know, when you
20 have your GFI, it's going to ground on the
21 shoreline. That mitigates the safety
22 concerns --

23 MR. JONES: A lot of them.

24 MR. COX: -- to a big degree.

25 MR. JONES: A lot.

1 MR. COX: Yeah, well, compare that to
2 your solar system in your 120 volt on the dock.
3 Given these other safety concerns with the
4 batteries, the potential gases that are
5 released, the maintenance required, are we
6 getting pretty close to the safety -- same
7 safety profile or is -- is solar still going to
8 be safer?

9 MR. JONES: If you'll -- if you'll get
10 some oversight on the systems and get them being
11 built and installed to code, you've got a much
12 safer application. The gripes that I've had are
13 code violations that we see on inspections. We
14 go to a system that was installed by someone
15 else that isn't working. We get a call on it.
16 I show up, and I see something that should never
17 have been done.

18 And, you know, did an engineer draw it
19 that way and it slipped by? Did someone sign
20 off on that that didn't know what they were
21 doing, that didn't pay any attention? That --
22 you know, that's -- that's where the danger is
23 on this.

24 MR. COX: Yeah.

25 MR. JONES: Properly done, they're

1 pretty safe.

2 MR. COX: From my -- from my
3 perspective, being in the boat dock business for
4 25 years, keeping an eye on a thousand slips
5 every day, you know, when the system goes in
6 initially, you know, everything is tiptop and
7 safe, particularly if you run the ground to
8 shoreline. And I'd say 90 percent of the docks
9 on this lake do not do that, so that would be
10 something we need to look into.

11 However, where things go awry is when
12 you have storms and time passes and you have
13 maintenance issues that aren't addressed. We
14 can go to the phone book and find 200 people in
15 the area to look at a conventional, traditional
16 electrical system. Can we find people that will
17 look at the solar system to maintain it?

18 I'm concerned that we might be
19 implementing some complicated technology that
20 then is going to be more difficult to maintain
21 that's going to create even more safety hazards.

22 MR. JONES: Well, it's not more
23 difficult to maintain because it's not really
24 subject to the issues of the movement of the
25 dock like --

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MR. COX: Yeah.

MR. JONES: -- shore power would be.

MR. COX: Sure.

MR. JONES: We've eliminated a lot of that.

MR. COX: Yeah.

Mr. JONES: As far as the -- people in the Ozarks, in my experience -- I've been here in this business for 20 -- I guess I'm starting my 25th year doing this. There are probably four people that I know that know their stuff on all of the stuff that we're talking about here.

MR. COX: Yeah.

MR. JONES: Any one of those guys would be welcome at my house to do anything that needed to be done there, but a lot of people that are in the solar business, probably not. And that's something that I think the Corps needs to consider.

You know, as you move towards this --

MR. COX: Yeah.

MR. JONES: -- you're going to create a market, and that market will bring a lot of people in that see dollar signs that really don't have a background to do what they're

1 doing. I'm as -- again, after my career -- and,
2 you know, I'm starting to move into the twilight
3 of that. I'm starting to look more towards an
4 educational, you know, sort of a -- a thing.
5 And I find myself in that capacity in a lot of
6 -- lot of ways now.

7 MR. COX: Yeah. Maybe you can speak to
8 the dollars. So let's say you have a scenario
9 where you have a 20 slip community dock and
10 within an hour's period, someone -- folks on the
11 dock want to use their lift. Say four lifts are
12 activated within an hour. So what type of
13 system is that going to require?

14 MR. JONES: We're -- we have kind of a
15 standardized system that we're putting on 20
16 slip docks.

17 MR. COX: Okay.

18 MR. JONES: It's capable of just
19 running lifts eight hours a day, nonstop.

20 MR. COX: Okay.

21 MR. JONES: The battery capacity in the
22 batteries -- once you fade out of the solar
23 curve, we've got about 135 lift cycles in the
24 batteries --

25 MR. COX: Okay.

1 MR. JONES: -- in reserve. And it's
2 actually cheaper -- if you've got 20 slip owners
3 that are spreading that cost out, it's cheaper
4 than one person buying a small system for a one
5 or two slip dock.

6 MR. COX: Right.

7 MR. JONES: The cost per slip goes down
8 because of the economy of scale.

9 MR. COX: Would you say that's a
10 \$20,000 system?

11 MR. JONES: 13.5.

12 MR. COX: 13.5? Okay. I'd say that's
13 comparable to typically about 10 percent of the
14 -- the construction cost is electricity.

15 MR. JONES: The numbers that Rodney had
16 up on another slide were a -- I believe a 12
17 slip -- a 12 slip dock kind of is in the middle
18 of the threshold.

19 MR. COX: Okay.

20 MR. JONES: They're -- they're too big
21 for one of our small systems. They're too big
22 -- or they're too small for one of our big
23 systems. So if we -- you know, they're kind of
24 in the middle. And we have several standardized
25 models that we mass produce, and we do a lot of

1 custom -- custom type work.

2 MR. COX: Okay. Yeah, I was -- and you
3 were -- you were speaking about increasing
4 capacity because of the lifts. I was thinking
5 it was going to be doubling --

6 MR. JONES: You've got --

7 MR. COX: -- but we're still within
8 that range.

9 MR. JONES: You've got four components
10 that you're dealing with. All have a limiting
11 factor with solar. We have a solar panel that's
12 going to generate a given amount of power in a
13 day. Okay. We've got a battery that's going to
14 store a given amount of energy. Both of those
15 have their thresholds. We have an inverter
16 that's going to take power from the battery and
17 change it to 120 volt. And it has a rating of
18 -- 2000/3000 watt rating. So it's got a
19 limiting threshold there. And then the charge
20 controller is the regulator between the solar
21 panel and the battery to prevent overcharging.
22 The bigger the solar, the higher the amount of
23 power, the bigger that charge controller has to
24 be.

25 MR. COX: Right. Has anybody -- you

1 know, you go to Sam's and get a 30 amp generator
2 that's quiet and runs for four hours on 2
3 gallons of gas. Has anybody implemented just
4 like a backup little gas generator if --

5 MR. JONES: We do.

6 MR. COX: Yeah. That -- I'm thinking
7 that for 500 bucks, you could have that sitting
8 there.

9 MR. JONES: We -- we have to use
10 different equipment.

11 MR. COX: Okay.

12 MR. JONES: The equipment that you're
13 historically seeing on docks is what's called
14 standalone. It's not made to interact with
15 generators or utility powers. It's -- it's an
16 entity, but the utility scale inverters are
17 designed to bring electrical power in. They've
18 got transfer switches that close and connect to
19 the utility power. So if you start a generator
20 up, this thing becomes a charger.

21 MR. COX: Yeah.

22 MR. JONES: It's now a battery charger
23 in addition to the solar being the battery
24 charger, and it closes that switch. And so the
25 generator has just passed through to the lotus.

1 So let's say you got a 30 amp generator and you
2 fire it up. And so we're going to charge at 30
3 amps and we tell this -- this equipment is very
4 smart.

5 We tell it bring 30 amps from the
6 generator, we're going to see that. So somebody
7 turns on a lift when we're using 30 amps to
8 charge, it drops off the amount of the charging
9 in order to power that lift because it's going
10 to hold that input at 30 amps and it's just
11 going to draw that surplus power back out of the
12 battery. Then when the load goes away, it
13 reverts back to a charger again.

14 MR. COX: Yeah.

15 MR. JONES: So they're much more
16 expensive. They've got many more UL listing
17 certifications on them. So you're dealing with
18 a \$1,500 piece of equipment as opposed to a \$600
19 piece of equipment.

20 MR. COX: Yeah. Still not -- not
21 terribly prohibitive.

22 MR. JONES: But it is a -- something
23 that we may see, you know --

24 MR. COX: Yeah.

25 MR. JONES: -- in times to come.

1 CHAIRPERSON JAHNKE: Are there other
2 questions from committee members?

3 I have one. One of the questions that
4 we brought up at the last meeting was have you
5 been asked to put solar on a dock that's in a
6 cove where you've had to tell them there's not
7 enough sun there because of where it's located?
8 Has that ever come up for you in your business?

9 MR. JONES: Not very often, but it has.
10 I don't know that we've ever completely just
11 walked away from one, but we have made some
12 modifications and some changes.

13 Ideally your solar panel is pointed
14 perfectly south. Boat docks are kind of all
15 over the place as far as their proximity, so we
16 have solar panels that are all kind of crazy
17 angles on the roofs of our docks. Ideally we
18 want perfectly true south, but sometimes there's
19 a big Sycamore tree right there or there's a big
20 mountain there, and so we will fudge to the east
21 or to the west with our panel.

22 Very rarely have I said your window is
23 not six hours, your window is three hours and we
24 need to double the amount of solar that we're
25 putting on here because we've got a shorter

1 window to make the same amount of power. And so
2 we -- the -- the Corps has several times said we
3 want a placement on the prints, we want to see a
4 location of where this equipment is, but we
5 never really see that dock until we're there to
6 do the install.

7 You know, I know how to design these
8 things and make it work, and we never really
9 look at the dock. We get there and it is
10 against that big hillside. Well, instead of
11 putting our equipment right here up against the
12 shade, we're going to move to the back of that
13 dock out there to get away from that hillside.

14 The sun is a moving target. It's not
15 just east to west, it's also up and down. And
16 if we take the movement of the sun here -- and
17 again, this is just the geek in me, but on the
18 equinox, the sun comes up perfectly due east and
19 it sets perfectly due west. In the summertime
20 on the longest day of the year, it moves
21 22 degrees north of due east, so it comes up at
22 78 degrees. It runs an arc at 79.8 degrees
23 across the sky, so not straight overhead but
24 almost, and it sets 22 degrees north of due
25 west, but it moves 44 degrees south over the

1 course of our year. And so on the shortest day,
2 it comes up 22 degrees south of due west. So it
3 comes up right over here and it sets at the same
4 angle right over here. And its arc across the
5 sky is 30 degrees. So the sun moves from here
6 to here, from here to here in one year.

7 And I've been doing this for so long
8 that I can just look at a site and I pretty well
9 know those angles and I can read what's going
10 on, but a lot of people don't have that data
11 because they just don't, you know, do it.

12 There's -- there's some equipment that
13 our industry uses that -- now it's gotten really
14 cool. We can just Google Earth down with a high
15 tech thing and we can look at a site. That's
16 expensive. We have tools and equipment that we
17 use to tell us where shadows are going to be.
18 I seldom use all of those, but, you know, we've
19 got GPS, we've got Compass, we've got all this
20 and all that, but really the best idea for our
21 north/south is the North Star. It never moves.

22 We don't have to do a magnetic
23 direction declination factor. So if we look at
24 the North Star, put a stick in the ground and
25 back up 50 feet, put another stick, when the sun

1 comes up, you've got an absolutely perfect
2 north/south line. So we've got \$1,000 computer
3 programs and all of this technology, and two
4 sticks in the ground is still the best way to
5 find north/south.

6 CHAIRPERSON JAHNKE: Is there another
7 question from the committee?

8 (No verbal response.)

9 CHAIRPERSON JAHNKE: And it's not like
10 we won't have questions later, so let -- I -- I
11 propose we take a 15-minute break and then we're
12 going to reconvene. And I know we've got at --
13 at least one more public -- two more public
14 comments, and then we'll move through the rest
15 of our agenda. So 15-minute break. We'll be
16 back.

17 (Break in proceedings.)

18 CHAIRPERSON JAHNKE: All right. I'm
19 going to call this meeting back to order at this
20 time. And we have some public comments to
21 listen to.

22 MS. COBURN: Yes. We have two. L.J.
23 Plumlee, please come to the stand. And Jonathan
24 Niezing, you are on deck.

25 MR. PLUMLEE: This or --

1 CHAIRPERSON JAHNKE: Yeah. Right
2 there.

3 MR. McDANIELS: Please talk closely
4 into it.

5 CHAIRPERSON JAHNKE: Yeah, get close to
6 the microphone, and you might even test it once
7 to make sure that everyone can hear you. There
8 you go.

9 MR. PLUMLEE: Can you hear me? Tell me
10 when. I'm going to talk fast.

11 MR. McDANIELS: So try not to go too
12 fast so that the court reporter can keep up.
13 She can do 280 words a minute comfortably.

14 MR. PLUMLEE: Okay. I came to the
15 meeting that was supposed to be in January.
16 There was several of us that come from way out
17 of town. We went ahead and had a little meeting
18 of our own out on the parking lot. It was five
19 of them. And the No. 1 thing that come up was
20 cedar trees. Cedar trees are destroying this
21 lake, let alone the State of Missouri. Just
22 drive down this road and try to go to
23 Highway 65. What do you see on each side of the
24 road all the way where there used to be
25 beautiful views?

1 Those views are disappearing on this
2 lake because we will not do anything about cedar
3 trees. I like a good cedar tree just like
4 anyone else, but when they take over your
5 views -- I can no longer see the water.
6 I didn't come here to look at a forest of cedar
7 trees. I keep cedar trees in my yard. I can't
8 -- I've got a subdivision going on over in Eagle
9 Rock. I can't sell some of the front waterfront
10 lots because they don't come here to look at
11 cedar trees.

12 Cedar trees. They'll sap up somewhere
13 around 35 gallons of water a day. They grow
14 clean to the ground. You can solve this
15 probably very easily and it won't cost you a
16 dime. Allow the homeowners to go down there.
17 If it's a good, beautiful, mature cedar tree,
18 allow us to trim those branches up to about 6 to
19 8 feet where you can walk under them. And if
20 there's too many of them, allow us to manage
21 them.

22 Texas, Kansas, Nebraska, everywhere you
23 go they've declared a war on cedar trees.
24 They're very evasive. I don't need to go in to
25 tell you how dangerous they are. Talk to people

1 from California. My brother is a firefighter
2 out there. He come out here and he looked at
3 this lake and he said "See those homes up there?
4 They're history. First time we get lightning,
5 we have a drought or some careless smoker,
6 they're gone."

7 CHAIRPERSON JAHNKE: Thank you for your
8 input today. Next speaker.

9 MS. COBURN: Jonathan Niezing.

10 MR. NIEZING: Yeah. Good morning.
11 Thank you for having me. I just -- I don't know
12 if I have a question but maybe a statement or a
13 concern.

14 MS. SHORTT: We need you to get closer.

15 MR. NIEZING: Oh, thank you.

16 MR. McDANIELS: They're going to
17 restart your time.

18 MR. NIEZING: All right. I might not
19 use it all anyway. You're fortunate, but thank
20 you.

21 The idea of solar I think -- I
22 understand the -- the push for that, but I get a
23 little bit worried at the infrastructures. I'm
24 here to support that technology. I've only been
25 on Table Rock Lake since 2010, and I've

1 personally been on the water in two storms that
2 I think would wipe out 90 percent of any solar
3 panel in the vicinity.

4 I'm -- I'm over on Emerald Point, and
5 there was a storm that I got off the lake on,
6 and a complete boat dock and lifts was flipped
7 upside down and sunk. And I think the roofs on
8 these boat docks -- when the wind comes across
9 the lake, it acts as a lift, and it actually
10 flipped the entire boat dock over.

11 Just recently when we had the storm, a
12 couple of years ago where we lost one of the
13 Duck boats, I was actually at State Park Marina
14 when the storm came through. And the side winds
15 that come in off this lake are huge. I mean,
16 they -- they're -- that's what generated 4-foot
17 waves. I saw metal panels on State Park's docks
18 actually peeled back.

19 And I get concerned when you talk about
20 putting solar panels at an angle on top of these
21 roofs. They seem, to me, like they're -- they
22 have the potential to act like sails and catch
23 more wind. And I just don't know if there's any
24 study that's been done on the effects of how
25 unstable are these docks going to become during

1 storms when you have so much more apparatus on
2 the roof.

3 I don't even own a boat dock so it's
4 not personally a big deal to me. And I rent
5 from State Park. But I think for people that
6 have to build docks and if those docks become
7 more unstable due to what's being required to be
8 put on the roof for the green effect -- I get
9 the push, but is the technology right for boat
10 docks and do we have the infrastructure to take
11 care of them?

12 CHAIRPERSON JAHNKE: Thank you. Do we
13 have anyone else that's signed up?

14 MS. COBURN: That's it. That's it.

15 CHAIRPERSON JAHNKE: Okay. Very good.
16 Committee members, any questions at
17 this point? Otherwise, we will go on to the
18 other presentation that we requested today.

19 And this presentation Becky will give.
20 It's on the Commercial Remote Service Dock
21 Program that we had questions about. All right
22 then. Becky.

23 MS. SHORTT: All right. Hi again. My
24 name is Becky Shortt, and I'm giving a brief
25 presentation about marina buffer zones and the

1 Commercial Remote Service Dock Program on Table
2 Rock Lake.

3 Just to start off, I wanted to make
4 sure everybody understood what was currently in
5 the draft Shoreline Management Plan. So not our
6 current policy but what is in the draft plan.
7 And the proposal is that we have a one-year
8 sunset after the signing of the -- the Shoreline
9 Management Plan revision and that existing
10 remote service docks would be allowed to remain
11 and operated by the concessionaire and those
12 existing docks could be improved but not
13 expanded. The only new slips that would be
14 added in the marina buffer area would be at the
15 prime marina lease site.

16 So the objectives of today's
17 presentation is to, one, understand why we have
18 marina buffer zones on Table Rock, understand
19 why the Commercial Remote Service Dock Program
20 was implemented, understand what a Commercial
21 Remote Service Dock area is, understand why we
22 have proposed to discontinue the program, and
23 understand how discontinuing the program will
24 impact lake users.

25 So to answer the question as to why

1 marina buffer zones exist, Title 36 states that
2 "Permits for individually or group-owned
3 shoreline use facilities may be granted only in
4 limited development areas when the sites are not
5 near commercial marine services." And so that
6 is -- that's the start.

7 So in 1982 when they developed the
8 first Shoreline Management Plan, they tried to
9 define what would be considered near a
10 commercial marine service. And in that plan
11 they established that private floating
12 facilities would not be permitted in areas
13 within approximately 3 road miles of commercial
14 docks and marinas. The plan further stated that
15 docks existing in those areas -- because there
16 were docks already on the lake -- that docks
17 that existed within that 3 road mile area would
18 be allowed to remain under a restricted limited
19 development classification.

20 After the implementation of the 1982
21 Shoreline Management Plan, numerous roads were
22 created in the lake area which required numerous
23 updates to the 3 road mile designation in the
24 Shoreline Management Plan.

25 In 1990, in updating the plan, the

1 3 road mile designation was translated into an
2 allocation or zoning that was identified in the
3 SMP as the marina buffer area. So at that time
4 we went away from the 3 road mile designation to
5 an actual zoning then that didn't move with the
6 creation of new roads.

7 Since 1990, the marina buffer zone has
8 defined what areas are considered near
9 commercial marine services for the purpose of
10 permitting new shoreline use facilities in
11 limited development areas. The removal of
12 marina zone or -- excuse me -- removal of the
13 marina buffer zone allocations in the Table Rock
14 SMP would not negate the Title 36 requirement
15 that no new shoreline use facilities be approved
16 near commercial marine services.

17 So we'll move on to why the Commercial
18 Remote Service Dock program was implemented.
19 According to supplement No. 6 to the 1982
20 Shoreline Management Plan, which was dated July
21 of 1990, the Commercial Remote Service Dock
22 program was created to allow for orderly
23 expansion of commercial marina facilities to
24 meet demonstrated public need. It said that
25 this would allow valuable park shoreline to be

1 used as park areas and not required for park --
2 or for dock expansion and that park lands would
3 not be used for parking or other boat dock
4 support facilities.

5 In many cases the Commercial Remote
6 Service Docks would be more conveniently located
7 to the customer's residence than the park and it
8 would allow existing commercial concessionaires
9 the opportunity to gain additional income and
10 business from a field in which they have already
11 commission -- been commissioned and experienced
12 and the government would benefit financially
13 from increased income generated from the
14 increased lease rental computations from the
15 concessionaires. And at the time it was thought
16 it would be a model for possible application on
17 other Corps of Engineers projects.

18 So now moving on from what's a
19 Commercial Remote Service Dock and why, is what
20 are Commercial Remote Service Dock areas. And
21 for those of you familiar with our mapping,
22 those are the teal areas that you'll see on our
23 shoreline maps inside the marina buffer areas.
24 Those areas are sometimes referred to as
25 Commercial Remote Service Dock zoning, but I

1 want to make a clear distinction that they are
2 not a shoreline zoning. They're not part of the
3 Shoreline Management Plan. Those are areas that
4 were identified as possible locations for
5 Commercial Remote Service Docks. They were
6 vetted through a public review process in 1999.

7 So the current remote service dock
8 policy, the one that was signed in 2007, states
9 that "New Commercial Remote Service Docks will
10 only be considered under unusual and compelling
11 circumstances and if those docks are requested
12 within an existing Commercial Remote Service
13 Dock area." So that's what we talked about,
14 those areas that were approved through public
15 process in 1999.

16 The only new Commercial Remote Service
17 Dock that has been approved since the new policy
18 went into effect in 2007 was the conversion of
19 the Old Wildwood Resort dock to a remote service
20 dock.

21 So why are we proposing to discontinue
22 the program? We received numerous public
23 comments objecting to vehicular and pedestrian
24 traffic in communities adjacent to the lake
25 where the Commercial Remote Service Docks were

1 placed. Another issue is that the program has
2 not been picked up and implemented by any other
3 Corps projects, so Table Rock is the only lake
4 with this program. And the other part being
5 only one new dock was placed since 2007. And so
6 we are not seeing a demand for -- a public need
7 for those types of docks.

8 So how we think discontinuing this
9 program will affect lake users. According to
10 the exhibit in the current Shoreline Management
11 Plan, the implementation plan for the remote
12 service dock program, the zoning allocations
13 that were underlying the marina buffer
14 designation would remain in effect as they
15 pertain to restricted limited development, park
16 buffer, protected shoreline, and prohibited area
17 allocations. So in the event that the remote
18 service dock program is terminated, the previous
19 shoreline allocations will be reinstated and the
20 -- so that's the marina buffer with the existing
21 underlying allocations. And all existing remote
22 service docks would be allowed to remain at
23 their present location.

24 Any questions from the committee?

25 MR. COX: I have a lot to say on that.

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MS. THOMAS: Me too.

MR. COX: So how often are the private docks inspected?

MS. SHORTT: Once every five years.

MR. COX: How often are commercial docks inspected?

MS. SHORTT: Once a year.

MR. COX: Once a year. And that's a pretty detailed inspection, including electric?

MS. SHORTT: Yes.

MR. COX: The remote service dock -- it's true there hasn't been too many requests because it is highly restricted, massively restrictive. And I -- I think we all know that boat slips sell -- the value is 20,000 to \$40,000. There's a lot of folks that would find \$150 a month for a slip a little bit more palatable.

I'm just concerned that to do a blanket, you know, elimination might be precluding people, you know, from using the lake and really just enhancing the private industry that's been created with the private boat docks. Has that been considered?

MS. SHORTT: It -- it has been

1 discussed.

2 MR. COX: I could see some -- in the
3 right instances some expansion of the program,
4 frankly, because I think it -- it offers the
5 public access to the lake and doesn't require
6 such a huge capital investment. We all know
7 that you can build a dock and turn around and
8 sell the slip and make a 200 percent return on
9 your money in three months. I mean, it's been
10 an industry on this lake for decades. Even that
11 has been curtailed of recent, which is probably
12 a good thing, but I hate to see this go away.
13 And I wonder if there's some mechanism to do a
14 little more study on this? What do you think,
15 Kevin?

16 MR. McDANIELS: So at the start of
17 that, one of the things Becky did mention was
18 the one-year sunset which would allow that
19 one-year period of time for any marina to put in
20 a request, correct, to be evaluated for placing
21 a Commercial Remote Service Dock?

22 When we looked at Title 36, I mean --
23 and you see the part about balancing private
24 versus public use. That is a spot where there's
25 a definite conflict. So these sites quite often

1 are below -- excuse me -- below a residential
2 community where, yes, some of those individuals
3 want to have the opportunity to have a boat slip
4 down there. However, with the commercial nature
5 of these types of docks, we end up getting a lot
6 of complaints because now all of a sudden
7 there's an area in the park -- or the -- the
8 subdivision where parking is allowed or people
9 are parking on the street and they're down there
10 at the boat dock and, I don't know, complaints
11 like they're partying late at night or they
12 leave trash or they do whatever and then they
13 leave and go back to wherever their homes are.
14 Those are some of the conflict areas that we've
15 seen.

16 We also do recognize that some of the
17 marinas -- maybe not all -- some of the marinas
18 do have a little bit of space to expand within
19 their prime marina area to provide those
20 opportunities. And we did talk earlier about if
21 you go through the feasibility market analysis
22 study, all that, there is opportunity, I
23 believe, at Table Rock Lake even for another
24 commercial marina in a high density area.

25 The other comment that I'll make -- and

1 this is going off of memory, but as I recall,
2 this process did require us to go back and get
3 this approved and formalized. And I believe
4 that was never done so -- but -- but those are
5 just some -- some thoughts on the other side,
6 but, you know, one of -- one of the main
7 considerations, especially after the original
8 draft meeting, was -- and maybe it was even
9 before that with the focus groups, but to give
10 that one-year sunset period.

11 And, actually, I'm going to ask Andrea
12 if you'd like to address this because Andrea is
13 the Regional Southwest Division Ops Chief and
14 she's been dealing with shoreline management on
15 a national scale. So I don't know enterprise-
16 wise if there's any comments or info you could
17 share?

18 MS. MURDOCK McDANIEL: Well, I would
19 just say that I know that there is a -- you
20 know, look at the Shoreline Management program
21 from a national perspective, and there are --
22 there's a lot of visibility on where we have
23 things occurring that are unique and only in one
24 location across the Corps, and -- and there is a
25 real question as to whether those things should

1 be continuing of those "one of." So this is one
2 of those areas that this would be something that
3 -- at a -- at a national level they're looking
4 to try to get folks more in compliance with what
5 the rest of the nation is doing and what it
6 should have been doing in balancing some of
7 this.

8 MS. THOMAS: The 2007 change in the
9 policy. Why was that changed to say "only
10 permitted in an unusual or compelling
11 circumstance"? What does that mean?

12 MS. SHORTT: I'm thinking it may say in
13 the policy so. . .

14 MR. McDANIELS: Okay. Becky, let me
15 see if I can pull that up.

16 MS. THOMAS: And a follow-up question:
17 How many have been denied since 2007?

18 MS. SHORTT: I'm going to -- I believe
19 your first question is answered in the policy,
20 so I'm going to try to pull up the policy.

21 MS. THOMAS: Okay.

22 MS. SHORTT: And at the same time I've
23 got an e-mail with some information on --

24 MS. THOMAS: Okay.

25 MS. SHORTT: -- so I'll pull both those

1 up real quick.

2 MS. THOMAS: Well, I -- I just also
3 want to add -- and I mentioned this in the last
4 meeting because I think there is -- a kind of a
5 misperception in the public's mind, not -- maybe
6 not everyone, but particularly in the Kimberling
7 City area surrounding Fisher Creek and some
8 other areas there where they are in this marina
9 buffer zone in places.

10 The perception has been if we remove
11 this program that there -- that they would be
12 eligible then to be in a limited development
13 area, in other words, redline zoning, that they
14 might be able to get their own dock. And that
15 is not the case is what you're saying; it will
16 revert back to marina buffer zone, no
17 possibility of a dock for anyone?

18 MS. SHORTT: Correct. The -- the only
19 way that the marina buffer zone would change is
20 -- so there could be a decision made to change
21 the marina buffer zone, and that could be done
22 as part of this process, but we would have to go
23 back through and redefine what is near a
24 commercial concession.

25 MR. COX: Yeah. And I'll add I don't

1 have a remote service dock, but we do have a --
2 a buffer that goes completely around, you know,
3 a couple of miles. And, you know, who can look
4 5, 10 years down the road? There might be
5 changes in -- in the density or some need.
6 People might get together and want to have a
7 boat dock --

8 MS. THOMAS: Right.

9 MR. COX: -- and might come to us. It
10 just -- you know, when eliminating, it then
11 closes the door forever --

12 MS. THOMAS: Right.

13 MR. COX: -- for those folks. I'm not
14 sure that's a good move.

15 MS. THOMAS: I have heard people say
16 "Oh, I -- I don't like that program because it
17 prevents me from getting a dock." No, you're
18 not getting a dock if it goes away; your -- your
19 chances of getting a dock are over. So it's --
20 it's not one of those things that we should
21 remove lightly because it -- it limits
22 opportunity.

23 MR. COX: And I think the -- the
24 requirements that are in place now do a lot to
25 go -- you know, they mitigate some of the issues

1 in terms of, you know, placing the traffic in a
2 neighborhood or creating this conflict of use
3 patterns.

4 You know, I think that is correct.
5 I think that needs to be highly restricted and
6 studied, but I think in the right circumstance
7 when a park gets provided within an area that
8 everybody's on onboard, it could be the right
9 fit.

10 And again, you know, when someone's
11 faced with paying 20 or \$40,000 for a slip and
12 they'd rather rent it for \$150 a month, I mean,
13 it's -- it's kind of our public service to be
14 providing that.

15 MR. McDANIELS: So, Sheila, we did ask
16 for that to be pulled up, and we looked in our
17 records, and our real estate folks were able to
18 find eight instances where it was denied. At
19 least that's what has been provided.

20 But there are a few of them -- Indian
21 Point denial was based on space constraints and
22 safety concerns. We have a Port of Kimberling
23 denial based on space constraints. Let's see.
24 There's one about converting a limited motel
25 resort dock, but it could not be done because

1 there was no current resort dock for that
2 location. There was another one based on not
3 being an approved Commercial Remote Service Dock
4 site, not approved Commercial Remote Service
5 Dock site again. Site was removed as part of a
6 1997 public comment process.

7 Here's another one. Not unusual and
8 compelling circumstances. Marina currently has
9 unused shoreline within the existing lease area
10 that can accommodate additional docks while the
11 proposed dock has less than one road mile to the
12 current lease.

13 There are a couple in here that were
14 simply listed as due to the controversy the
15 program has created. And I don't have anything
16 further on those. Potentially those were -- I
17 don't know if it was a public opposition or it
18 was simply based on the policy. I don't have
19 that type of information.

20 There is one here where a resort
21 requested to convert to a community dock in one
22 of those locations and it was denied due to
23 being within the marina buffer. So they were
24 trying to go the other way to a private dock and
25 we said no.

1 MS. SHORTT: Okay. So in the 2007
2 policy where it talks about the future remote
3 service docks, the statement is "Initially the
4 Commercial Remote Service Dock Program was
5 implemented to protect park shoreline from
6 increasing expansion of commercial prime lease
7 site to sustain public park use and to reduce
8 non park vehicular traffic. Early results were
9 desirable, but an increasing number of adjacent
10 landowner raised valid objections to the
11 practice of placing boat docks near their homes
12 where private docks were prohibited."

13 And it also talks about for future
14 remote service docks that NEPA reviews and the
15 Environmental Protection Act. Those reviews
16 needed to be done to address the cumulative
17 impact of adding those docks -- those commercial
18 docks.

19 MS. THOMAS: I -- I guess I just think
20 the unusual and compelling circumstances policy
21 is very subjective and doesn't seem like a --
22 doesn't seem like it makes sense to me, but I --
23 I think this program needs to remain. Let's
24 just. . .

25 CHAIRPERSON JAHNKE: Are there -- are

1 there any other questions either based on this
2 particular presentation or anything else we've
3 heard or read up to this point?

4 MR. COX: Can I ask a question?

5 MS. THOMAS: Um-hum.

6 MR. COX: Getting back to the cedar
7 trees. This was touched on earlier, but I
8 didn't -- I can't really read my notes. This
9 looks like scribble. What is the current cedar
10 tree? It's ground level 3 inches? Is that --
11 something like that?

12 MS. SHORTT: It is. In the current --
13 I'm sorry. Are you asking in the current SMP or
14 in the draft?

15 MR. COX: Yeah. What -- what's allowed
16 now?

17 MS. SHORTT: Currently it's 2 inches at
18 DBH, so diameter breast height.

19 MR. McDANIELS: Four and a half feet is
20 the standard for DBH. Four and a half feet
21 high.

22 MR. COX: So once they get larger than
23 that, then they stay?

24 MR. McDANIELS: (Nods head.) Same for
25 all trees.

1 MR. COX: Yeah. Well, we're just
2 singling out cedar trees here.

3 MR. McDANIELS: Right.

4 MR. COX: And -- and what's in --
5 what's in the draft plan? Does it change, or is
6 it the same?

7 MR. McDANIELS: So as a concession
8 during the -- I think it was one of the focus
9 group meetings, towards the end -- Sheila, you
10 may remember, but we agreed when we went to the
11 ground level proposal that we would go to
12 3 inches on cedar trees. So give an additional
13 inch time period for them to. . .

14 MS. THOMAS: That wasn't my focus
15 group. I don't know much about cedar trees
16 other than I have also heard that they are
17 invasive and one of the gentlemen mentioned
18 something about other states controlling them.
19 Maybe one of you guys have more information than
20 I do, but do we know that? What -- what -- what
21 -- what controls are in place in other places to
22 prevent the spread of cedar trees? Does anyone
23 know that?

24 MR. McDANIELS: So it's been a few
25 years ago. I'm looking to the others who were

1 there, but I recall the State of Missouri
2 presentation focusing on removal of cedar trees
3 to restore kind of wildland grass areas and not
4 to be allowing mowing to be taking place in
5 those areas and to allow those warm season
6 grasses to grow up, but it was a very different
7 conversation than the -- the more manicured lawn
8 type scenario.

9 MR. COX: And we definitely want, you
10 know, to maintain the beauty of the lake. And
11 as any consideration put -- put in place in
12 terms of density -- let's say, you have a cedar
13 tree forest behind your house now. We,
14 obviously -- I'm not sure it's in the public's
15 interest to clear them all out and now we have a
16 just a bare, ugly spot to look at. And keep in
17 mind everybody from the lake perspective. But
18 is there something that could be considered in
19 terms of creating, you know, a density group
20 guideline that would still maintain the -- the
21 beauty of the lake, you know, the consistent
22 shoreline but may open up windows of view and
23 mitigate the environmental concerns regarding
24 fire and -- and windstorms and so forth?

25 MS. THOMAS: Yeah. If the cedar tree

1 language could be more lenient, I like the idea
2 of the replacing with -- with, you know, natural
3 -- not -- not mowing necessarily, but with --
4 with natural grasses. Maybe -- maybe that's
5 something we need to consider for the next
6 meeting, is some more information. I need it --
7 I don't -- and maybe no one else does -- but
8 more information from the Department of
9 Conservation or some group that could tell us
10 what they would recommend about cedar -- how to
11 treat cedar trees or what they do to treat cedar
12 trees.

13 CHAIRPERSON JAHNKE: And -- and
14 certainly to take into account erosion and how
15 to make sure --

16 MS. THOMAS: Sure.

17 CHAIRPERSON JAHNKE: -- you've got to
18 -- you don't want to clearcut it, right?

19 MS. THOMAS: No.

20 CHAIRPERSON JAHNKE: But -- but -- but
21 what are the alternatives that would be even
22 better?

23 MR. COX: Right. And put it on the
24 homeowner so -- you know, put together this
25 requirement, you know, we need a -- basically a

1 virtual depiction of what you want to do,
2 highlight the trees that need to come out, you
3 know, what's the before and after, you know, get
4 into some detail.

5 And yeah, that's going to cost them
6 some money. They're going to have to -- to
7 really go over a high hurdle, but just to say
8 "Forget it, never," may not be the right choice
9 given these other issues with fire and, you
10 know, cedar trees in the back of people's
11 houses.

12 I'm definitely super concerned about,
13 you know, the beauty of the lake and maintaining
14 this consistent stripe of green, so to speak,
15 but there might be -- again, you put it on the
16 homeowner "Prove your case." There -- maybe
17 there could be a -- a way to do it.

18 MS. HARRISON: When they -- excuse me.
19 When they did this and decided it's going to be
20 3 inches at the ground or whatever, was
21 conservation -- that was all part of the
22 conversation? I keep hearing cedar is invasive,
23 it's an -- well, why would we want it if it's
24 invasive?

25 MR. McDANIELS: Yeah. So I think

1 certain species of cedar may be considered
2 invasive. I'm not sure that they all are.
3 I think that you truly have differing views from
4 differing folks about that. And -- and we can
5 put that on the agenda for the next time.
6 I will remind you guys that when we went through
7 this stuff back in the early Master Plan days
8 and all that and we'd have the proposals to have
9 where the homeowner would -- do you recall,
10 Becky or Dana? It was -- they would have a
11 landscape architect and they would develop a
12 plan and they would do whatever, and the public
13 opposition to that was so incredible that that
14 was removed.

15 MS. COBURN: We did have that
16 discussion, I do remember, and we did take it
17 out because there was a lot of opposition to it.

18 MS. HARRISON: To removing the cedar
19 trees?

20 MR. McDANIELS: No, to having the
21 homeowner responsible to have somebody come out
22 and develop a plan for, you know, how to manage
23 that area, like a landscape architect or a
24 certified whoever. And maybe the timing is
25 right to allow that.

1 I would expect on the Corps side that
2 there would be a lot of discussion whether or
3 not warm season grasses would be appropriate for
4 our type of, you know, landscape and erosion
5 control and things like that or if it would be
6 better to use native flowering dogwood trees or
7 others like that that we currently use to
8 restore areas with.

9 But, Rodney, can you just give a real
10 quick -- like when we have issues with
11 homeowners cutting down trees, the type of
12 species that we normally have them replant with?

13 MR. RALEY: It really depends on the --
14 I guess the -- the ground or the elevations
15 because we have very little success replanting
16 trees in areas where cedars grow. You know,
17 they -- they grow in a rocky glade, so anything
18 closer to the shoreline where it's rocky, we
19 really -- there's not much success in
20 replanting.

21 If they cut them a higher elevation
22 away from the lake with adequate soil, then yes,
23 we look at native trees, and we've done any from
24 Sycamore to various oaks. We have done
25 dogwoods, surface berries, but it really depends

1 on the soil and -- you know, to replant trees
2 with a success.

3 MR. BENEFIELD: So my thing, it's a
4 permit process, right? So in order to do this,
5 they have to get a permit, or am I wrong?

6 So, I mean, the Corps could set
7 whatever requirements of getting that permit
8 necessary and ensure that it gets done. I'm
9 only saying that to say that I understand where
10 someone might object to having a landscape
11 architect or whatever those requirements are,
12 but the options are doing that or not -- or
13 can't do it at all --

14 MR. COX: Yeah, that --

15 MR. BENEFIELD: -- then doing that is,
16 it seems like to be, even if it's expensive, a
17 better option than being told you can't do it at
18 all. And you can elect, if it's really
19 important to you, that you spend the money to
20 make sure that what you're doing is protective.

21 The other issue that I was wondering if
22 we could talk about is just that -- that
23 distance from another habitable structure that
24 came up because it sounds like it -- I guess
25 there's no real buffer zones. 30 feet you can

1 build right up to your property line and then
2 those trees can grow up right at the property
3 line and you can't cut them. Just some
4 understanding of that issue. Or is there some
5 tolerance or hey, within 5 feet of the property
6 line you can do something that you might not be
7 able to do all the way down to the shoreline?

8 MR. McDANIELS: Yeah. So to the
9 government line, I believe Missouri -- none of
10 our counties have any setback at all; is that
11 correct?

12 MR. RALEY: No. I do know Stone County
13 has a setback and --

14 MR. McDANIELS: They do?

15 MR. RALEY: Yeah.

16 MR. McDANIELS: What -- what is it?

17 MR. RALEY: I want to say 10 or
18 20 feet, 30 feet. Yeah. And I don't know the
19 number, but I know they do have a setback from
20 all neighboring -- you know, adjacent
21 neighboring property owners. That's just for --
22 only for the house, the foundation itself. They
23 don't have it for decks and stuff associated
24 with the house.

25 MR. McDANIELS: Okay. So --

1 MR. BENEFIELD: I was just saying --
2 just -- just at least in the examination of that
3 -- I mean, looking at some of the materials we
4 received today, obviously, these trees are very
5 -- right close to this -- the inhabitable
6 structure. They're on federal property versus
7 private property, but just some consideration
8 for that scenario.

9 Now, I know you don't control the
10 setback distance that they built to, but -- but
11 -- just some understanding of that
12 relationship -- maybe there is a so-far-off-the-
13 property-line tolerance that could be put in.

14 MR. McDANIELS: Yeah. I think, in --
15 in general, like you look at the -- some of the
16 fire protection codes and things of that nature
17 where it give you recommendations of how many
18 feet you should remove vegetation of this type
19 and how many feet to this type and how many feet
20 to this type, but then they always say "Up until
21 your boundary line."

22 So I -- I think, you know, that'll be
23 something that -- that we will certainly
24 discuss, but I think that, you know, typically
25 the viewpoint would be that -- I'll just say

1 we'll discuss it.

2 MR. COX: Yeah.

3 MR. McDANIELS: I -- I don't know if we
4 should go into that far here.

5 MR. COX: I understand. I definitely
6 understand, you know, but we -- you know, from
7 the Corps perspective, that's our land, cedar
8 trees are growing on our land, you know,
9 blocking the view, and that's unfortunate, but
10 in the bigger picture, you know, is there a
11 method or a management practice that could be
12 beneficial to both parties? Perhaps that might
13 -- might need to be explored a bit.

14 MR. McDANIELS: The only thing I would
15 say to that that is not our land, the Corps
16 land, but it's the public's land.

17 MR. COX: I know, but it's your burden,
18 you know -- agreed. It's our responsibility to
19 be good stewards of --

20 MR. McDANIELS: Yeah.

21 MR. COX: -- for the American taxpayer.

22 MR. McDANIELS: Exactly. But it -- I
23 think your recommendation for the landscaping
24 requirements -- that's a good one. People had a
25 problem with it, and then it's no. Maybe we

1 should revisit that and at least have an option
2 out there. They're willing to put the work in
3 and justify it and not degrade the -- you know,
4 the beauty for everyone else, then maybe we
5 should open that up.

6 MR. BENEFIELD: And it is a little
7 different situation than me and my neighbor at
8 home simply because you do allow a permit to do
9 work on your land, whereas there's not a process
10 between me and my neighbor where, I mean, he can
11 -- I guess a gentleman agreement, but this is a
12 true permit process and it's, you know, public
13 land. So, to me, I see it slightly different
14 than simply, you know, my land/your land type
15 situation and just as something to be looked at
16 because you would hate to have the policy then
17 cause a public hazard and not be able to address
18 it because the policy says there's no way.
19 There's not even an appeal. There's not
20 anything. It's simply no way regardless
21 so. . .

22 MR. COX: Well, I mean, it -- it
23 depreciates the value of the homes, and I don't
24 think the county wants to see their property tax
25 go backwards and the school districts and

1 everyone else that has a stake in the area.

2 MR. McDANIELS: So, Ryan, there is an
3 appeal process in the plan.

4 MR. BENEFIELD: Okay. So -- so as a
5 former state regulator in the State of Arkansas,
6 just a question on that, though. Normally with
7 an appeal process, if the document says you
8 can't do it, the appeal process is pretty easy.
9 Well, the document says you can't do it.

10 So when I'm talking about more of a --
11 maybe an out in the document that says for
12 certain reasons -- and maybe it says that
13 already and we can hear about it next time, but
14 for these reasons we cannot follow this
15 guideline type of appeal process. More of a,
16 you know, you disagree, whether it's 3 or 3.1.
17 I'm not saying that's what it is. I'm just
18 going -- teeing that up because I know we only
19 have two more meetings after this to -- to say,
20 you know, an appeal process that says you can
21 actually do something contrary to the standard
22 for cause, is what I'm talking about. More of
23 a, you know, disagreement on what the actual
24 standard says.

25 MR. COX: What kind of fee is

1 associated with something like this?

2 MR. RALEY: The fee for the shoreline
3 use permit?

4 MR. COX: Yeah. Or just to --

5 MR. McDANIELS: For -- I think for
6 vegetation.

7 MR. RALEY: Yeah, for vegetation it's
8 \$10 for a five-year permit.

9 MR. COX: \$10?

10 MR. RALEY: Yes.

11 MR. COX: Wow. Imagine a home with a
12 cedar tree forest behind it, you know, being
13 worth \$50,000 less because the view is history.
14 I mean, I think there's a lot of opportunity
15 here for them to justify it and pay some fees
16 for management time on your end and -- and do
17 the research to maintain the -- the beauty of
18 the shoreline and then it could be a win-win all
19 the way around.

20 CHAIRPERSON JAHNKE: I'm not sure what
21 that sound is.

22 MR. McDANIELS: Feedback.

23 CHAIRPERSON JAHNKE: Feedback. From
24 the -- okay.

25 MR. McDANIELS: From me.

1 CHAIRPERSON JAHNKE: Yeah. Oh, it was
2 you. Okay. All right.

3 So there -- we have five minutes left
4 in the public comment period. And so we do have
5 one. Excellent. Excellent. Let's go ahead and
6 do that right now. And if anybody else wants to
7 get on the list, this is your last chance.

8 MS. COBURN: John Kane. Okay.

9 MR. KANE: Mine is just real quick.

10 MR. McDANIELS: Wait one second. We'll
11 let him get that set up.

12 MR. KANE: You won't need it.

13 MR. McDANIELS: Okay. There's one in
14 front of you also.

15 CHAIRPERSON JAHNKE: All right. You're
16 set.

17 MR. KANE: Okay. Mine's just I need to
18 -- want to clarify something on what you were
19 just talking about on the cedar trees --

20 MR. McDANIELS: Can you try to get a
21 little bit closer into it?

22 MR. KANE: I want to clarify something
23 on the cedar trees that you're talking about.
24 We need to --

25 MR. McDANIELS: Start over.

1 MR. KANE: Okay. Just to clarify
2 something on the cedar tree issue. We have got
3 differing ideas or -- or -- when they tell us
4 between a living tree and a dead tree what you
5 can do. So when you talk about that, make sure
6 you include both of that because we've been
7 getting different -- we can do something to one
8 and something -- it -- it seems to be a
9 difference whether it's living or dead. So make
10 sure you include that so you get the whole
11 picture of -- of both conditions. Thanks.

12 CHAIRPERSON JAHNKE: Thank you, John.

13 MR. KANE: Thanks.

14 CHAIRPERSON JAHNKE: Thank you.

15 Did we get anybody else that signed up?
16 (No verbal response.)

17 CHAIRPERSON JAHNKE: All right.

18 Committee members, do you need a little time to
19 kind of look at your notes and maybe look at the
20 comments, think about your notes here so that --
21 maybe a little time to regroup so that we know
22 more clearly what we want to ask and to try --
23 just get our thoughts together so that we can
24 move forward? Does it make sense to give us 10
25 or 15 minutes here just to look through things

1 and then reconvene or -- yeah, Kevin?

2 MR. McDANIELS: Just for the committee,
3 as a process and formality piece, at the start
4 of the third meeting, either Becky -- maybe
5 before or after the public comment -- is it
6 before the public comment -- we will come back
7 to the Corps and consider any proposals that you
8 guys have today and potentially make changes to
9 the draft plan before the next meeting.

10 So if there are specific things that
11 you as a committee want to make those formal
12 recommendations on, our project delivery team is
13 going to take it back, they're going to look at
14 it, they will go through that, they will provide
15 those recommendations to our commander, and
16 then, as I said, potentially make some changes
17 to the drafts. So that's what we'll be looking
18 for.

19 Tammy, if you guys want to take a
20 little bit of time so that you guys can
21 formulate your thoughts. Obviously, you know,
22 you can't have a private group meeting to
23 discuss those, but formulate your thoughts, come
24 back here for discussion, and we'll take those
25 recommendations, consider for revisions, and

1 we'll either come back in May and tell you why
2 yes or why no or what we came up with in its
3 place.

4 CHAIRPERSON JAHNKE: That would be
5 perfect. Let's -- let's give ourselves 15,
6 20 minutes, but -- but if you need more, just
7 let me know. We'll -- but we'll just hang out
8 up here and see -- you know, go through our
9 notes, look for specific recommendations.
10 I know I need to pull the plan out again so I
11 can take a close look at it as well. So we'll
12 take a short break before we reconvene.

13 (Break in proceedings.)

14 CHAIRPERSON JAHNKE: All right. We are
15 going to reconvene until noon, and then we will
16 take a one-hour lunch break, and then we will
17 reconvene at 1:00. So if people want to run out
18 and get some lunch, we will not reconvene until
19 1:00.

20 So -- so what -- what I'd like to do is
21 get a list of either questions/concerns that --
22 the items that we really need to talk about more
23 so that if we can draft up a recommendation, as
24 Kevin mentioned, we -- we could do that maybe
25 after lunch. It may not come today -- right

1 now, but -- but at least which topics are those
2 that we need to look at. And somebody want to
3 give us one and articulate their questions?

4 MS. THOMAS: My topics would -- I'll
5 just give you all three of my topics, if that's
6 okay, that I would like for us to talk a little
7 bit more about.

8 The -- the Commercial Remote Service
9 Dock Program, the policy regarding vegetation/
10 cedar trees that we just sort of discussed
11 briefly, and the carrying capacity are three
12 that I would like to see us add for further
13 discussion.

14 CHAIRPERSON JAHNKE: Okay. Anything
15 else for the list? And then we can get
16 specifics.

17 MR. BENEFIELD: Just one more that
18 seems like a major change or fix is that -- that
19 issue regarding whether multiple people, one,
20 are on a dock and one person violates on the
21 property three times and you have a chance of
22 losing it. That seems like a very easy
23 clarification, but I'm not completely sure if
24 that language came directly out of the law or if
25 that's just in the plan. I found it just in the

1 plan, but just -- that seems like it could be an
2 easy fix.

3 MS. THOMAS: Yeah, I think we should
4 just get the answer to that question probably.

5 CHAIRPERSON JAHNKE: Okay. All right.

6 MR. COX: I would add some discussion
7 on solar.

8 CHAIRPERSON JAHNKE: Okay. Yes.

9 MR. COX: This doesn't mean we have any
10 clear ideas, just we may indicate for further
11 study for the next meeting.

12 CHAIRPERSON JAHNKE: Absolutely.
13 Absolutely. We may not -- right. You're right.
14 We may not come up with a specific
15 recommendation, but if we have more questions,
16 we can learn more at the next meeting,
17 absolutely.

18 MS. HARRISON: I'd like to know, one,
19 what things exactly are we capable of making
20 suggestions for? What's in our scope here?
21 What boundaries do we have or do we not have
22 any?

23 MR. McDANIELS: I don't see that you
24 have any boundaries on what recommendations you
25 can want -- or that you want to make or could

1 make, but if they're not applicable or whatever,
2 I mean, we wouldn't act on them, but we'll take
3 anything back.

4 MS. HARRISON: I'd just like to know a
5 little bit more about the things that we
6 received on the Internet, you know, when they
7 put their written comment in. And I think one
8 lady alluded to it today -- or a gentleman --
9 the length of time when they're -- what was
10 it -- 10 years on the one thing they've been
11 dealing with.

12 What is that process when they come in
13 and ask for -- whether you call it -- a variance
14 or a decision on something? How -- is there a
15 time limit? Well, could -- could we help on
16 that so they could get a decision? What did he
17 say, 10 -- 10 years when he put this in and --

18 MR. McDANIELS: So I -- I'm not sure
19 about that specific case or situation or even
20 the way that it's worded. I -- I would have a
21 difficult time thinking that something's gone on
22 for 10 years without having an answer. Maybe
23 it's not an answer that has been desired over a
24 10-year period. I -- I'm not familiar with that
25 specific situation, but, you know, if it's

1 simply just related to shoreline zoning, yes,
2 there was a regulation written, I don't know,
3 17-something years ago that says that we're not
4 going to take additional requests for rezoning
5 until -- anywhere in the Little Rock District
6 until all existing zoning was full.

7 Even in cases where they're zoning
8 stuff to fix, that's considered a major change
9 to a shoreline management policy, so those
10 decisions aren't made until an update's done.
11 Obviously, we've been in this update for several
12 of those 10 years. Whenever -- when did we
13 start this, Dana? 2014, '15?

14 MS. COBURN: 2014.

15 MR. McDANIELS: '14. So, I mean, we're
16 -- we're six years into that 10 years just
17 trying to get to this point.

18 MS. HARRISON: Yeah, that does kind of
19 answer -- so with this process, we were allowed
20 to see the public comments, they could put it on
21 there. If I came to you to ask for something,
22 is that posted somewhere so that other people
23 can see that I came in and asked for this
24 variance or I'm looking for this? Is that a
25 public --

1 MR. McDANIELS: If you ask -- if you
2 submit a public comment, then the public gets to
3 see that comment. If -- if you send a permit
4 request to the Project Office, that is not
5 public information. It's not put out there --

6 MS. HARRISON: That's not public
7 information.

8 MR. McDANIELS: -- for everybody to
9 see. And also, just kind of a clarification,
10 when the public comments, that is for you all to
11 consider. And we also, as an agency, look at
12 that and consider it, but through the public
13 comment process and through the NEPA process, we
14 do not individually reply to every comment.

15 You know, you guys use that to make a
16 recommendation to us. We use that, you know, to
17 help create the draft documents and to help
18 guide us, but we do not go back and specifically
19 respond to every comment.

20 MR. COX: Could you speak -- just
21 summarize again --

22 CHAIRPERSON JAHNKE: Go ahead and get
23 on the microphone.

24 MR. COX: I was directing this toward
25 Kevin. I wanted to see if he could speak and

1 summarize the issue where you may have a
2 landowner that has a section of permitted area
3 for a potential boat dock and could it be
4 shifted or that allocation moved within the --
5 the boundaries of their property. Is that
6 something that's still allowed in the
7 permitting? Is that case by case? How's
8 that --

9 MR. McDANIELS: Yeah. So I do think we
10 would look at that case by case. Of course
11 there is a Master Plan time, there is a
12 shoreline time, because you have to have the
13 right lane classification of low density before
14 you have a limited development area and the
15 other plan to allow for a boat dock.

16 From an agency perspective, we really,
17 I think, are relatively open to -- if you have
18 adjacent property, you know, above Corps
19 property that runs from this point to this point
20 and an LDA is located in a certain area within
21 that point, we are willing to look at moving
22 that within your area or within your -- yeah, I
23 don't know -- adjacent access, although we took
24 out the adjacent landowner rule in this policy.
25 So don't confuse those issues.

1 But where we as an agency find it to be
2 very difficult is when you have shoreline
3 allocations out there and you're asking for an
4 allocation of limited development area to be
5 taken from somebody and given to somebody else,
6 you know, changing property values or changing
7 opportunities or creating a definite loser and a
8 definite winner in a situation like that.

9 We do have areas of zoning out there.
10 Is it National Forest Service land maybe that
11 there was some allocation there? And -- and I
12 don't know how they came to acquire it. Maybe
13 it was donated to them or something. That kind
14 of thing happens a lot with the Forest Service.
15 But somehow that zoning ended up in front of
16 property that you would not ever have a dock.

17 So we've used some of that zoning to go
18 and correct other areas on the lake where docks
19 were inadvertently placed out of shoreline
20 zoning so that we could take -- then take them
21 out of grandfather status and allow them to have
22 the same privileges that other people would have
23 with a boat dock. Did I get at all your
24 questions?

25 MR. COX: Um-hum.

1 MR. McDANIELS: Okay.

2 MR. COX: Here's another one for the
3 list. And we haven't talked about it today, but
4 I think the last meeting we talked about it. In
5 some instances the -- the guidelines or rules
6 regarding the one-third of a cove space for a
7 boat dock might not be appropriate if, for
8 example, it's a steeper shoreline, there's good
9 water depth, and by having to work within the
10 one-third, now the boat dock is out in a more
11 visible area to the public, it's more in the
12 weather, in the waves, where maybe in this
13 instance if it was back farther in the cove, it
14 would be less intrusive to the neighbors and so
15 forth. Maybe under those circumstances there
16 could be a -- you know, a caveat or some kind of
17 option to propose something different than that.

18 MR. McDANIELS: You're saying closer to
19 the shore?

20 MR. COX: Well, I'm just saying --
21 let's say you have a cove and the boat dock --
22 it's going adhere to the one-third of the water
23 space, it's going to be farther out into the
24 main channel, whereas if it's a deep cove and
25 the fluctuation of the lake is the concern for

1 access to the boat dock in the water -- if it's
2 deep enough that maybe there's some kind of
3 equation where the dock could possibly be put
4 back farther in the cove, thus not as visible,
5 not as intrusive to neighbors and passersby,
6 more protected and -- but still have the
7 adequate access. I can think of a couple
8 instances that -- that might be applicable, not
9 with me, but just places on the lake.

10 MS. THOMAS: I would also like to add
11 -- we don't have to answer it now, but if we
12 could add it to our list. I just need a little
13 more clarification on the language regarding
14 vegetation permits and when there's a natural
15 break, a road, a gully, a whatever. I need to
16 be reminded of why that is. I've kind of
17 forgotten. And I had made myself a note, and
18 now I can't even remember what my question was.
19 So if -- if we could add that.

20 CHAIRPERSON JAHNKE: Absolutely.

21 MS. THOMAS: Also, I liked one of the
22 comments -- the written comments. And I think
23 he said it -- a gentleman said it in his verbal
24 comments. And -- and this is just something
25 that we might recommend at some point, but he

1 mentioned that he didn't have notice of the
2 meeting because he doesn't live here and -- but
3 he has e-mail addresses that he's put on, I
4 guess, applications and so forth.

5 And if that's something that could be
6 developed over time because, you know, now
7 that's a really accepted form of communication.
8 If the -- if the local Corps staff could look
9 into maybe communicating with folks more that
10 way, especially out-of-town owners, I think that
11 would be a positive thing.

12 And then another gentleman mentioned
13 some -- well, one page or -- or some kind of
14 documentation on -- on the website about Corps
15 guidelines for visitors, and that -- that would
16 be -- that would be something I think would be a
17 good communication tool for the Corps to
18 implement because many people who come to the
19 lake don't realize that it's managed by the
20 Corps of Engineers. They don't have any -- they
21 -- they have no experience with a Corps lake and
22 don't even understand the -- the -- the
23 guidelines.

24 So that might be something that we
25 could recommend as a future -- these are not

1 immediate needs, obviously, but I just liked
2 those comments, and so I thought I'd mention
3 that.

4 CHAIRPERSON JAHNKE: Yeah. Sorry. Go
5 ahead.

6 MR. BENEFIELD: Yeah. And I don't know
7 how to answer this one. We got some very, very
8 specific comments regarding very specific pieces
9 of property near very specific peninsulas, and
10 I'm not smart enough to figure out from that
11 comment what map to look at and what peninsula
12 they're talking about.

13 So I don't know if we could get some
14 help to say this -- you know, this one I'm --
15 I'm looking at my family, and I own the
16 property, all the red zone areas, 41, 41.5, and
17 Permit 7262. You know, I mean, I want to be
18 responsive and -- and -- and look at all the
19 comments, but I just need some help, I guess,
20 figuring out where -- what map I would look at
21 to say -- I'm not saying that I'm in favor of
22 changing anything. I'm not. I'm just saying I
23 can't even look at it and go why is -- well,
24 where is that comment coming from? So --

25 MS. TANNEHILL: On the Table Rock Lake

1 Shoreline Management Plan website, there's a map
2 that will allow you to search by dock number.

3 MR. BENEFIELD: Okay.

4 MS. TANNEHILL: And you can see it
5 through that.

6 MR. BENEFIELD: So can I ask another
7 question in response to that? So how do I
8 relate that -- let's say that I look at that map
9 and I go "Hey, I think that's a good comment."
10 I don't know that I am. I'm just saying how do
11 I then look at the Shoreline Management Plan and
12 relate that, or is that just not related to the
13 Shoreline Management Plan at all?

14 I got on the maps in the plan here, but
15 I don't know -- you know, how do I -- how do I
16 then come back to the plan?

17 MS. TANNEHILL: So you can find your
18 location on the interactive map and then you
19 could pull up the -- the map --

20 MR. BENEFIELD: Okay.

21 MS. TANNEHILL: -- in the EA and then
22 look at those in there.

23 MR. BENEFIELD: That's fine.

24 CHAIRPERSON JAHNKE: All right.
25 Anything else for our list?

1 MR. COX: I do have a question.

2 CHAIRPERSON JAHNKE: Yes.

3 MR. COX: So the permitting of the
4 vegetative permits, that's -- that's under
5 operations; is that right? And you -- is it
6 true that you have no ability to create a new
7 fee structure?

8 MR. McDANIELS: But that's an Andrea
9 question.

10 MS. MURDOCK McDANIEL: So -- and you
11 were talking about the Shoreline Management fee
12 specifically?

13 MR. COX: Right. Like just say we
14 created a -- I don't know -- a processing fee to
15 go in-depth on a cedar tree, you know, thing/
16 project/or however you want to say it. Can you
17 create a new fee that -- that -- that really
18 compensates your -- or at least mitigates that
19 time you spend on that?

20 MS. MURDOCK McDANIEL: So we cannot
21 create a new fee or -- or increase the current
22 Shoreline Management fee without going through
23 the rulemaking process. And it would be under
24 Title 36, and that would have to be done at a
25 national level.

1 However, there are other ways. You --
2 you may be looking at potentially a real estate
3 license or something specific in that way to
4 address that particular issue.

5 MR. COX: Okay.

6 MS. MURDOCK McDANIEL: And that would
7 be something that would potentially be
8 considered or would need to be considered as a
9 part of this process.

10 MR. COX: Okay. That's what I was
11 wondering about because I know at the division
12 level -- say it doesn't happen in this district,
13 but sometimes there are fees associated with
14 proposals that are made to the Corps or requests
15 where they can say "Okay, it's going to take
16 this much time to evaluate this and your fee is
17 X amount of dollars."

18 MS. MURDOCK McDANIEL: Right. So under
19 the real estate, there's two different fees:
20 the Shoreline Management fee and then there's a
21 license for real estate instrument which
22 requires a fee. And under that real estate
23 license, they -- that is the one in which you
24 would look at a number of factors, you know,
25 fair market value for what that is, but also

1 some fee -- administrative fee to recoup the
2 cost the government has in which to evaluate and
3 make a decision on that permit -- or that
4 license, I should say.

5 MR. COX: All the dock permits are
6 operational fee right now, though, right?

7 MS. MURDOCK McDANIEL: You have -- in
8 some cases you have both. You have -- they're
9 -- all the dock --

10 MR. COX: Well, and I -- yeah.

11 MS. MURDOCK McDANIEL: -- floating
12 permit, floating structures. There is -- under
13 Shoreline Management, there is a fee related to
14 that. And then also on places where you have
15 other facilities like electricity going to it,
16 there is a license associated with that. So in
17 some cases you have both --

18 MR. COX: Okay.

19 MS. MURDOCK McDANIEL: -- a permit and
20 a license.

21 MR. COX: So there is a real estate
22 instrument in place on the boat docks? I mean,
23 I know it is on the concessions, but even on
24 individual private docks?

25 MS. MURDOCK McDANIEL: On some of them.

1 MR. COX: Wow. That's --

2 MR. McDANIELS: So that -- that's when
3 you're talking solar -- you can also keep that
4 in mind if you have solar power that is strictly
5 on a dock that is strictly part of the dock
6 permit, but if you have a hard electric line
7 that goes across government property with a
8 trench with whatever, it then also becomes a
9 real estate action, so it takes our real estate
10 folks and more time and more resources for us to
11 go out and process, review, maintain, and
12 inspect those.

13 So that is part of the reason why back
14 in 2013 that this project and most, I think, of
15 the Little Rock lakes have switched to solar
16 power over the years. And we've seen more
17 projects across the nation switch to that, in
18 part, because of the cumulative impacts of
19 putting in all the electric lines and then in
20 part due to the resource requirements to go out
21 and inspect and do all those.

22 MR. TOWNSEND: I have a comment real
23 quick for Ms. -- sorry -- Ms. Thomas. You
24 requested that Title 36 in those recreation
25 regulations be online. They're on our website

1 more than a dozen times. Is that what you were
2 asking for?

3 MS. THOMAS: No. I -- a simplified
4 version of that, an explanation of who the Corps
5 is, what they do simplified, not Title 36, no.

6 MR. TOWNSEND: So in -- on our websites
7 -- specifically it only outlines Chapter 3, part
8 327 only the Corps of Engineers, so it is a
9 simplified version that is available on our web
10 pages.

11 MS. THOMAS: I will look at that --

12 MR. TOWNSEND: Yeah, certainly.

13 MS. THOMAS: -- but I think what that
14 gentleman was referring to was probably a -- I
15 -- I don't know. I just assume it was just more
16 of a general information piece. Thank you.

17 MR. McDANIELS: So that is the
18 Chapter 3 that JT was referring to?

19 MS. THOMAS: Okay. I can't even read
20 that, the type is too small so -- but I'll
21 assure you that's not what I'm talking about.

22 MR. McDANIELS: Yeah. So most all of
23 our facilities also have rule boards when you
24 pull in. Some of them they're bigger signs,
25 some of them they're bulletin boards. Some have

1 that posted, but, you know, JT, for us, that
2 is -- you know, that's something we can take
3 back with all the smart phone technology and
4 maybe have those scan codes and whatever
5 available out there that people could look at.

6 MR. TOWNSEND: There are current
7 options we can look at, Kevin. Thank you.

8 CHAIRPERSON JAHNKE: Are there other
9 specific questions under any one of the topics
10 that we've talked about that you want to add to
11 the list or -- or think about as we -- as we
12 head into lunch and consider as we move forward?

13 MR. COX: Another quick -- quick
14 question about the real estate instruments and
15 fees. So if we recommend something that's going
16 to require some work for the district, is the --
17 the fee income going to actually be reflected on
18 your budget? Will you be able to offset, or is
19 this just going to be sent to Washington and
20 you're still going to be dealing with the same
21 dollars?

22 MS. MURDOCK McDANIEL: So on the real
23 estate side of it, there is a portion of that
24 that comes back to the project basically to
25 offset their costs --

1 MR. COX: Okay.

2 MS. MURDOCK McDANIEL: -- and the
3 district, but then there is also a portion of
4 that that goes back to the local -- to the state
5 and then to the counties in lieu of taxes, so
6 where we took the tax base out of --

7 MR. COX: Okay.

8 MS. MURDOCK McDANIEL: -- out of the
9 locals.

10 MR. COX: Gotcha. All right. Thanks.

11 MR. McDANIELS: And the permit part of
12 that fee structure goes to the treasury.

13 MR. COX: Yes.

14 MS. MURDOCK McDANIEL: That's correct.
15 And there is no offset to the budget on that
16 piece.

17 MR. COX: Yeah, I've heard that, that
18 the dock permit collection is not reflected and
19 just goes somewhere.

20 MR. McDANIELS: So -- so when Andrea
21 says not an offset, in other cases -- like where
22 we sell annual passes to enter into our parks,
23 our budgets are decremented by an equal amount
24 to what we collect, so not only not added but
25 taken away.

1 MR. COX: Yeah.

2 MR. McDANIELS: In the case of the
3 shoreline permits, at this point in time it
4 simply goes to the treasury and becomes part of
5 the general fund. It does not affect the
6 operations up or down.

7 MR. COX: Have you ever considered
8 taking a look at the footprints of the boat
9 dock? I mean, you're essentially leasing a
10 space and allocating a fee structure based on a
11 real estate instrument and then having the fee
12 tied to that.

13 MR. McDANIELS: So it's -- it's being
14 talked about in kind of the early stages, but
15 you do have real estate requirements, operation
16 requirements and which way to go with that.
17 And, you know, which way is the right way I
18 think is a debate on a national level that we'll
19 see continue here.

20 But it -- it has started. Actually,
21 the WIIN language that we talked about earlier
22 had a clause in there about looking at fee
23 structures, but that's beyond the authority that
24 we have here at Table Rock. It has to be on the
25 national enterprise level --

1 MR. COX: Okay.

2 MS. MURDOCK McDANIEL: -- correct. And
3 -- and I would just say that that consistency
4 look that's going on, it is looking at fees and
5 looking at, you know, how we're doing things
6 differently and whether or not the anchors would
7 be considered a real estate license versus a
8 Shoreline Management fee only. So while that's
9 not a part of what your task is, it is, you
10 know, information that -- that I'm taking from
11 all sources to help inform that, and -- and I
12 would do that from any comments that are made.

13 MR. COX: Okay.

14 CHAIRPERSON JAHNKE: Any other specific
15 -- either something to add or a specific
16 question under any one of these topics?

17 MR. HUNT: So under the topic of the
18 solar, I think some things that were brought up
19 today raise questions of potential -- just
20 capacity issues for maintenance and service of
21 solar systems, that there's going to be a big
22 increase in implementing those systems.

23 So I guess specific topics or questions
24 I'd be interested in would be is there a way to
25 assess the increase in volume of solar systems

1 on the lake with -- if the draft were to go into
2 place as written? And then with that increase
3 in volume of solar systems, is there capacity in
4 the area to safely service and maintain those
5 systems?

6 Is that a question we can even answer?
7 Because I think that was a legitimate concern
8 brought up that I -- I just don't know the
9 background information on.

10 MR. McDANIELS: So, Rodney, can you get
11 the actual number of -- I don't think it was in
12 the presentation. Was it the actual number of
13 docks issued for each of the last five years and
14 how many of those requested electricity? And
15 that'll give you an idea of how many additional
16 structures with solar are being added each year.

17 MR. HUNT: You had some numbers in
18 there, I think, around 200 docks or something
19 like that, wasn't it? And --

20 MR. RALEY: Total on the lake at this
21 time that have solar.

22 MR. HUNT: So I guess that -- what I
23 don't really have a handle on is what -- is the
24 way the draft Shoreline Management Plan is
25 written in its current draft -- would that

1 change that number in coming years, and -- and
2 do we know by how much that could change the
3 number?

4 MR. RALEY: Yeah. I mean, we can tell
5 you, like I said, every year how many new docks
6 are placed on the lake with electric. We can't
7 project, though, when we change the requirements
8 or the size of the docks the number of, you
9 know, smaller docks that have now been
10 requested. So that number is likely to
11 increase. But yeah, I can -- definitely can
12 tell from how many every year the increase of,
13 you know, docks with solar we're at -- we have
14 now.

15 CHAIRPERSON JAHNKE: I think that would
16 be useful, but I also think with the number of
17 docks and just that capacity for maintenance and
18 service for the docks that already have it as
19 well and -- and is there a capacity locally that
20 can maintain and service the -- the current
21 docks as well as future docks. And so, you
22 know, is that -- are we in a trajectory that --
23 that that can keep up with what you're hoping to
24 accomplish.

25 MR. COX: I'll -- I'll comment just

1 because I represent the entrepreneurial side of
2 this floor. I -- I do think people will enter
3 the business and -- and support that, so that's
4 just my two cents on it. I mean, I think in
5 theory it's -- it's an excellent idea for safety
6 and -- and so forth.

7 We just want to make sure that we don't
8 have a one -- one-size-fits-all thing here where
9 if it's just absolutely not possible because of
10 the position of the dock and the terrain, that
11 maybe there's another alternative and we use a
12 real estate instrument. They pay the -- it may
13 be a pretty significant fee but -- and that's
14 their way to deviate from the program.

15 MR. McDANIELS: Yeah. I think from our
16 perspective, we would probably comment that
17 whether you go solar, like we've been doing for
18 the past six or seven years, or whether you
19 revert back to digging trenches and running
20 lines -- I think you would have the same
21 question of: What's the capacity for running
22 lines? What's the capacity for those folks to
23 come out and do inspections and work on them?

24 You know, Missouri is very different in
25 -- than Arkansas in what's required to be an

1 electrician, and we do see where even with the
2 hard line electricians who go out there and do
3 inspections and they sign off and they say
4 everything is good and we'll send somebody back
5 out to verify, some limited percent of those
6 that we have the resources for, and quite often
7 we find those to be out of compliance.

8 And with the electric lines -- now,
9 Table Rock is not as flashy or as bad, but we,
10 obviously, have lakes within our district that
11 you go out there and those electric lines are in
12 the water all the time. We do have shock
13 hazards from boat docks. I have not heard of a
14 person being shocked with a dock that had solar
15 power yet. Normally it is traditional electric
16 lines.

17 So there -- there's kind of a lot that
18 goes into that. And I think part of the
19 presentation this morning, since we've had this
20 implemented for so long, is that folks who are
21 applying for boat docks now or since 2013 who
22 know what that requirement is know what they
23 have going into it and -- and, you know,
24 spec-ing that out and doing all of that so. . .

25 CHAIRPERSON JAHNKE: How about -- let's

1 see -- any other -- what about questions about
2 carrying capacity? Because you put that back on
3 the list. Do you -- any specific questions
4 about that?

5 MS. THOMAS: No. Really more of a
6 suggestion or a -- what I would like to see us
7 recommend.

8 CHAIRPERSON JAHNKE: Okay.

9 MR. HUNTER: Your mic is not on,
10 Sheila.

11 MS. THOMAS: Oh, sorry. I guess I'm
12 just -- it -- it feels like we're trying to
13 project something that is so far in the future
14 with a study that was so far in the past, and it
15 seems like if we could review this again when
16 we're at 50 percent or 75 percent of that 30,000
17 that they anticipate and require another boat
18 study. Like we need more -- I just feel like we
19 need more information.

20 It just doesn't -- it's not clicking
21 with me. Like why we would try to restrict this
22 when we're still saying we may not hit it for so
23 many years, and we're going to -- but we're
24 going to shut it down when it gets to this 30 --
25 I mean, it just doesn't really make sense to me.

1 MS. SHORTT: So -- so -- so the current
2 trigger is not fast enough? You'd like to see a
3 trigger to do the next study earlier than what
4 is recommended?

5 MS. THOMAS: Well, I -- I'm not even
6 sure it's recommended, is it? Is it stated?

7 MR. McDANIELS: It is. It's written
8 into the plan. So --

9 MS. THOMAS: I don't have that open
10 here now.

11 MR. McDANIELS: So I will also say
12 that, you know, the other plans that have been
13 updated at other lakes across the country that
14 have done carrying capacity studies seem to come
15 up with fairly similar recommendations, fairly
16 similar number of boats being out of the marina,
17 number of boats being out of private, all of
18 that.

19 So yeah, written into the plan and part
20 of the reason why we feel it's good is to at
21 least get that number up on the wall. And we
22 know that a 10-acre per boat is a very heavy
23 utilization rate. So if we put a number of
24 opportunities up there -- and even though we
25 were pretty liberal in the way we did it -- and

1 I know Pat kind of referenced at one point a
2 little bit about, you know, the -- the marina
3 usage being higher or whatever but --

4 So our recommendation is, you know, if
5 you put that target out there of 10, which is
6 something that I think we all feel for safety
7 that we should not exceed, and then in the plan
8 it's written when we get halfway to that point,
9 we will stop and redo another carrying capacity
10 study or if we get funding before that we'll do
11 another carrying capacity study -- but to at
12 least get something out there and at least have
13 a forcing function of we're going to do another
14 study to verify that number because those usage
15 rates could go up, they could go down. We could
16 decide sometime later hey, we need less
17 opportunities or maybe we need more.

18 MS. SHORTT: Sheila, it's on page 39.

19 MS. THOMAS: That's what I'm looking
20 for. I had it open earlier, but I couldn't
21 remember what page it was. So there is a
22 trigger for the --

23 MS. SHORTT: At the top -- the first
24 paragraph on the top of page 39, about midway
25 through the paragraph it says "The PDT suggests

1 another carrying capacity study be completed
2 when funding becomes available but not later
3 than when the lake reaches the midpoint to the
4 maximum density threshold."

5 MR. McDANIELS: Does it identify that
6 in the number?

7 MS. SHORTT: It does. It goes on to
8 say "The midpoint to the max threshold is
9 approximately 26,000 boat slips and boat
10 launching ramp parking spaces."

11 MS. THOMAS: And at that time would
12 there be -- would there be public input? Would
13 there be --

14 MR. McDANIELS: So Deanna can comment
15 on this from a legal perspective, but I do
16 believe that changing the carrying capacity
17 number would probably be considered a major
18 change, not a minor change to the plan, which
19 would trigger a public comment period, and it
20 would trigger NEPA.

21 So we would do that study first, and if
22 we felt like there is a valid need to change it,
23 then we would enter into that process.

24 MS. THOMAS: Okay.

25 MR. McDANIELS: If the new study

1 confirmed what we had originally thought or was,
2 you know, within a negligible range, then I
3 think we would continue with that.

4 Do you -- do you agree that that's a
5 major change?

6 MS. RAY: I agree.

7 MS. THOMAS: Okay. Thank you.

8 CHAIRPERSON JAHNKE: All right.

9 MR. COX: I'll give you my two cents.
10 I think it's good to have it in here. I mean 10
11 is the lowest.

12 MS. THOMAS: Yeah.

13 MR. COX: We would dock -- you know, at
14 least we know, you know, where we want to stop,
15 but it -- another study needs to look at the
16 different areas of the lake and start allocating
17 and spreading people out. I'm working on a lake
18 in Oklahoma, and we actually use some of Table
19 Rock's numbers. And I referenced a few other
20 lakes east -- on the East Coast, and, you know,
21 10 to 15 is -- is the area -- 10 being the
22 lowest -- or the highest density we would, I
23 think, ever want.

24 MR. BENEFIELD: So I'm looking at --
25 correct. You're looking at 30 years before you

1 do that, right? And that's --

2 MR. McDANIELS: And that's so -- so
3 Rodney kind of -- I think it was Rodney said it
4 kind of keyed into this: There are some changes
5 in the new plan that could potentially
6 accelerate growth, at least over the next few
7 years. We have seen that at some lakes where
8 you release the new SMP -- of course the
9 moratorium is off at this lake as part of the
10 legislation.

11 However, when some of these new rules
12 come into effect -- for instance, the previous
13 minimum boat dock size was 12, and now if you
14 have the ability to go out there and put a two
15 stall, four stall, six stall dock, it opens up
16 places of the shoreline that haven't had docks
17 before because they couldn't get a 12 foot -- or
18 a 12 stall dock in there. So we may see some
19 accelerated growth over the next three or four
20 years. So that 30-year number is based off of
21 kind of the existing trends that we have.

22 MR. BENEFIELD: Yeah. I'm good with
23 that. I just put in perspective that really --

24 MR. McDANIELS: It -- it could be a
25 long time, yeah.

1 MR. BENEFIELD: -- the current trends,
2 I'm hoping to be sitting on a boat dock by the
3 time you redo that study.

4 CHAIRPERSON JAHNKE: All right.
5 I think this is a good time to take a break. So
6 we're going to do our lunch break now, and we
7 will not reconvene until 1:00. And so it's --
8 it's time to take a break. Thank you.

9 (Break in proceedings.)

10 CHAIRPERSON JAHNKE: All right. I will
11 call this meeting back to order.

12 And our goal this afternoon is to go
13 through our list and determine what the
14 questions are and/or to -- to -- to give our
15 colleagues a recommendation so that they can
16 come back next -- at -- at our next meeting
17 and with -- with an answer.

18 So I'm -- I'm going to just go down the
19 list as I wrote it down. And the first thing I
20 have on my list is the CRSD program. So what
21 questions do we have and/or do you have a
22 recommendation?

23 MS. THOMAS: I don't have any more
24 questions, but I would recommend -- I would like
25 for us to recommend that we continue this

1 program, not discontinue it, and actually remove
2 the limiting language "the unusual and
3 compelling circumstances, because that's very
4 subjective. And I -- I think this is a program
5 that is valuable to particularly the Kimberling
6 City area. That's most -- that's where I'm
7 familiar with, but I think we need to continue
8 this program, not discontinue.

9 CHAIRPERSON JAHNKE: Okay. Yeah, go
10 ahead.

11 MR. BENEFIELD: So I guess on that
12 point I'd like to hear a little bit more about
13 -- I mean, I -- I hear that -- that it was
14 public complaints that is the major reason it's
15 going -- you know, it's going away. So I guess
16 some more information on that, on how that or --
17 and whether or not, I guess, is -- if that's the
18 issue, is there a solution between getting rid
19 of it -- is there a way of handling the -- the
20 folks who are upset about the program short of
21 getting rid of the program?

22 CHAIRPERSON JAHNKE: Okay.

23 MS. THOMAS: That particular
24 application was denied, and I think it's the one
25 that there was a person that wanted to put in a

1 resort. Is that the right one? Is that what
2 caused all the --

3 MR. BENEFIELD: I wasn't here.

4 MS. THOMAS: I think there was a person
5 that wanted to put in a resort in -- in Fisher
6 Creek, which is near Kimberling City. There's a
7 neighborhood on the other side, and the people
8 did not want that dock there, they did not want
9 a dock across from the cove from their homes,
10 but that's been, you know, several years ago.

11 There is another place right now that
12 is trying to get -- wanted a -- a dock, but I
13 think that may have been the one that you all
14 thought that was too small or something, I don't
15 know, but --

16 MR. BENEFIELD: I get the impression
17 that there were some existing ones that are
18 still going to be there but the neighbors were
19 mad because of the parking situation, that there
20 was some concern with how people were parking to
21 access these docks.

22 MS. THOMAS: I'm not familiar with
23 that. I don't know -- I don't know about that.

24 CHAIRPERSON JAHNKE: So -- so maybe
25 what we need the Corps to do is to look at that

1 program carefully, look at the public comment
2 that -- that caused you to recommend the -- the
3 change that's in front of us, and -- and help us
4 to understand is there a middle ground there
5 someplace or is -- you know, is it a small group
6 that's driving us to do something that maybe is
7 not -- is not the right thing to do? Would that
8 be fair? Yeah?

9 MS. THOMAS: Yeah.

10 MR. McDANIELS: Do you want to address
11 it at all?

12 MS. SHORTT: I -- I do want to just to
13 give you guys some background on public comments
14 received. When we had our public comment
15 session, we did have five public comments that
16 came in to continue the program. The comments
17 that we had come in that were negative towards
18 the program we're talking about allowing outside
19 parties to enter a subdivision area to access
20 remote service docks, so increase in traffic on
21 their local roads, a comment that it can look
22 like a -- a mini marina, and also comments
23 regarding increased boat traffic in particular
24 coves on the lake.

25 MR. COX: I'll make a comment. I think

1 the way it's written now is appropriate. It's
2 highly restrictive. I won't say it's
3 impossible, but it's almost impossible. If the
4 neighbors have a problem with it, it's not going
5 to go through. So why not -- why not, in my
6 mind, continue it as an option? As I said, I've
7 never utilized it, but if things change in the
8 years to come, there may be an appropriate
9 application for this that would be beneficial,
10 you know, to the public. It gives people an
11 opportunity to rent a slip if they don't have
12 the ability to buy one.

13 It just -- when the boat dock is in the
14 commercial entity, they -- they're, you know,
15 held to a higher standard in terms of
16 inspections. I don't -- I don't think I
17 understand -- there's -- I don't see a desire to
18 loosen, you know, the requirements, but it would
19 be nice to keep it in there because you don't
20 know what's going to come down the pike 5,
21 10 years from now.

22 And it is a one-off. It is a Table
23 Rock thing, and I understand the desire to have
24 homogeneity through all the Corps districts,
25 but Table Rock is such a unique lake already --

1 I mean, there's so many Corps lakes that don't
2 have a single private boat dock or permit or
3 resort. So maybe we just keep it because it's
4 unique and it's worked in certain circumstances.
5 In a few, it hasn't, but that's been addressed
6 in the way it's written up in my opinion, so
7 that -- that should prevent any further issues
8 for that.

9 But, for example, if there was a
10 scenario where the entire property was a
11 homeowner's association, they had certain
12 restrictions and they had a designated parking
13 lot that they all shared and went down to a
14 remote service dock or two with, you know, 10,
15 20, 30 slips, that's something that they would
16 be able to have and rent.

17 If we do away with this, that zoning,
18 that area, it's not going back for other uses.
19 It's -- it's lost forever. So I think it might
20 be in the interest if people really understood
21 this to at least have it out there. And if you
22 can chin the bar, then -- then possibly you can
23 get it done, but if not, I don't see there's any
24 harm in it.

25 MR. McDANIELS: So -- so what would be

1 the solution in that scenario if, say, it was a
2 community and then after five years, half of
3 those people decided they didn't want their
4 slips, the marina would still, under their
5 commercial license, be able to go out and rent
6 them to anybody, right?

7 MR. COX: That's correct.

8 MR. McDANIELS: Okay. And when you
9 guys talk middle ground, is there any thoughts
10 of middle ground if it was loosening the
11 language but still having a sunset period X
12 number, one year down the road, maybe it's two
13 years down the road? Or the other way, keeping
14 it a little bit tighter language but maybe it's
15 three years down the road? Is that a middle
16 ground scenario?

17 MS. THOMAS: I don't -- I don't like
18 the down -- I don't like the sunset thing
19 because that completely takes it away. I'm okay
20 with the language being -- I -- I'm not crazy
21 about that language just because it's a little
22 ambiguous, but if there's some limits,
23 regulations, okay, but the sunset is what --
24 it's like, okay, get it now or you don't ever --
25 it's gone. That development may not catch up to

1 that moment. So, I mean, that's my concern, is
2 once it's gone, it's gone and people have no
3 opportunity to get a slip in that area.

4 CHAIRPERSON JAHNKE: Kevin, I think I'm
5 going to let you guys think about that and
6 figure out how you might address it then, you
7 know, before the next meeting or at the next
8 meeting and see if there's, you know, any middle
9 ground, any -- anything to look at, any other
10 new information that we ought to know about to
11 understand what might be possible and what's not
12 possible.

13 MS. THOMAS: How many -- how many are
14 there right now? Do you all know?

15 MS. SHORTT: 26. 26.

16 MS. THOMAS: Okay.

17 MR. McDANIELS: Okay. So we will take
18 those as comments but not as a recommendation
19 from the group.

20 CHAIRPERSON JAHNKE: I think -- I think
21 that's where we're at because we wanted to know
22 -- Ryan wants to know how the decision was made
23 and to look at more carefully if there was only
24 five comments to continue. And it wasn't clear
25 to me how many comments to not continue, but --

1 but where they were at. And so if we could have
2 some more information about that and where --
3 where's the balance?

4 MS. THOMAS: Was that the Master Plan
5 comments you're referring to?

6 MS. SHORTT: No. Those were the
7 original Shoreline.

8 MS. THOMAS: Original Shoreline. Okay.
9 I -- I still -- I'm -- still believe this
10 because I know -- I've talked to people about
11 it. People believe that if they said they
12 opposed this program, there would be an
13 opportunity to have a slip in that area. They
14 were just opposing this -- this particular
15 program, but they thought the zoning would
16 revert back to what -- what's called redline --
17 we commonly referred to redline zoning. They
18 thought that "Well, if I just -- if I refuse
19 this program, the marina won't put it in but I
20 can still go get a permit for a dock." And
21 that's not the case. They just didn't
22 understand that. And I think that's why some of
23 the comments came in "Don't do this."

24 Now, some of them, obviously, are
25 specific to "I don't want a dock in my cove" or

1 whatever, but some of them I think people
2 believed "Well, I'll just oppose this because
3 then it will revert back and I can -- we can go
4 get our own dock or we can go get our own
5 thing."

6 MR. COX: Yeah. Yeah. People thought
7 "Well, don't give the marina that zone."

8 MS. THOMAS: Don't give the marina that
9 -- right. Don't let them do that. Well --

10 MR. COX: Okay. Well, and still --

11 MS. THOMAS: -- they're not going to be
12 able to get it if you don't --

13 MR. COX: If this is within the
14 marina's buffer --

15 MS. THOMAS: Right.

16 MR. COX: -- which we're going to
17 maintain and so there won't be any opportunity.
18 And, again, I guess we're just speaking for, you
19 know, people down the road that -- that may want
20 utilize this --

21 MS. THOMAS: Right.

22 MR. COX: -- method.

23 MR. BENEFIELD: That's true. I mean, I
24 agree. I was just trying to look for what was
25 the compelling reason to take it out? Because

1 what you hate to do is -- people aren't
2 commenting now because they believe it's coming
3 out. All of a sudden if it stays in, would you
4 -- is there a group out there that would comment
5 to say "No, no, you know, we -- we really
6 support it not being a program anymore"? But
7 we're not hearing from those people right now
8 because it's out.

9 MS. THOMAS: It's out.

10 MR. BENEFIELD: So that's what I was
11 trying to figure out, is there had to be an
12 original thought on why the program was to be
13 discontinued. And so I'm just trying to get an
14 idea of before -- because, to me, I can see --
15 you're making good points on why it should stay,
16 but I don't know that I've heard the good points
17 on why it should not stay.

18 MR. COX: Yeah. It's -- it's almost
19 effectively gone already. I mean, it's so
20 highly restrictive. I mean, you -- since 2007,
21 we've only had one because it just couldn't meet
22 all the requirements. And the requirements
23 really create that one best case scenario where
24 this does fit. And if it doesn't, then it
25 doesn't.

1 So in my mind, it's already, you know,
2 so highly restrictive that we ought to at least
3 leave it in there in case there's a candidate
4 some day that -- that this works for because
5 their alternative is nothing and that could be a
6 real -- well, it could affect property values,
7 it could affect as people's decision-making and
8 so forth.

9 MR. McDANIELS: So history wise, if
10 this helps, probably three commanders ago an
11 update to the district policy from '07 was
12 written to end this program. And a couple of
13 the marinas, probably primarily in your area,
14 did come. We had a meeting, and the commander
15 decided that he would revoke his policy to end
16 the program and instead do it in the Shoreline
17 Management process.

18 So that was probably the catalyst to us
19 first doing it through this process, but in
20 looking at it back then, it was things like is
21 the -- the pilot program required us to go back
22 to the higher level headquarters and seek
23 approval to continue it and do all those things.
24 We had never done that. Our authority to issue
25 these docks technically expired probably more

1 than a decade ago, maybe two decades ago.

2 And, I mean, we can -- we can dig some
3 of that stuff back out and let you know. I was
4 not here when the 2007 policy got written so I
5 don't know exactly everything that was behind
6 that other than just the continued comments and
7 folks looking to the Corps to be the one to go
8 into these neighborhoods and settle disputes
9 between the general public and the private
10 landowners who -- you know, those people are
11 down below my house. They're going through my
12 yard. They're doing whatever, which those
13 issues occur under the current format of the SMP
14 for private docks too, but it's a little bit
15 different with the commercial activity.

16 CHAIRPERSON JAHNKE: So I have a
17 question. Since this is unique to Table Rock,
18 if nationally -- as they go through all of the
19 -- the programs, can they nationally just remove
20 it and then we -- you don't have it? Could that
21 happen?

22 MR. McDANIELS: So I would think that
23 before it would be removed from a plan, the plan
24 would go back through the public process if it's
25 a major change to the SMP. More likely I'm

1 wondering, Andrea, if in order to really
2 continue this program, we shouldn't go through
3 the approval process beforehand to have a unique
4 program here?

5 MS. MURDOCK McDANIEL: Sorry.
6 I couldn't get that to work.

7 So two things. It comes back to, you
8 know, a pilot program. By definition of "a
9 pilot," has an ending point or it has an
10 implementation point. The fact that it hasn't
11 been implemented and the fact that we haven't
12 ended it is the kind of the quandary that the
13 commander was in at the time of making the
14 decision.

15 It was a compromise to make the policy
16 as it's written today -- to try to balance that
17 with what was already approved. The -- the
18 other issue is, you know, there's a question of
19 whether this is a shoreline management issue or
20 a real estate issue or -- or is it just a Master
21 Plan zoning issue? So where that falls is a
22 little bit ambiguous too.

23 The other -- the other thing is can
24 they make a policy change at the national level
25 and -- and have it implemented at the local

1 level? I believe they can. They've done that
2 in the past, especially if you don't have clear
3 authority as to have this type of a -- of a
4 pilot program in place.

5 So yes, I think you would have to go
6 back up and get permission of some sort to
7 continue something that was not necessarily
8 intended to be either adopted nationally or
9 tried but -- but was maybe not successful or
10 maybe it was not something that was granted as a
11 continuation in perpetuity.

12 CHAIRPERSON JAHNKE: All right. So
13 what I hear is that we're going to leave it on
14 the list to look at that continuing, maybe some
15 more global thoughts about it, and whether the
16 Corps is going to have to get -- get further
17 permits or something so that you can make it
18 work.

19 Let's try going on. If we need to come
20 back to that, we will.

21 The next one on my list is -- and I'm
22 going to put them all together: vegetation,
23 cedar trees, natural breaks and gullies, like
24 basically land use practices. What are our
25 questions and/or recommendations?

1 MS. THOMAS: One of my questions was --
2 one of my questions was if I could have a
3 refresher of the -- the -- the vegetation permit
4 where people can mow and then if there's a
5 break, they can't mow pass that. I can't
6 remember. I know we discussed that, and I can't
7 remember what that -- why that is, why -- what
8 -- why that's a rule.

9 CHAIRPERSON JAHNKE: I think one of the
10 things that I heard is what are truly best
11 practices in Missouri related to cedar trees,
12 related to removal of dead vegetation versus
13 live vegetation. I think those were the -- the
14 ones that came up that I ended up with questions
15 about. What are best practices and is what is
16 in the recommendation -- is it truly best
17 practice.

18 MR. BENEFIELD: I'd like to hear a
19 little more about the early proposal that was
20 out there regarding maybe, you know, hiring of a
21 landscape architect or what that proposal may
22 have entailed as an alternative to just, you
23 know, a really strict rule.

24 MR. McDANIELS: So that's probably a
25 conversation piece for next time because that's

1 been five or six years ago, and I don't know
2 that anyone here wants to go on the record with
3 a five-year old memory on something.

4 CHAIRPERSON JAHNKE: And -- and that's
5 fine. I mean, I think some of these are going
6 to be for next time, so it's not that -- yeah,
7 we aren't expecting answers today, but maybe
8 laying it all out and then giving us a little
9 bit of a refresher too on some of the other
10 items.

11 Is there anything else related to that
12 as -- as we've listened, as we've read the
13 comments that -- that you would want on that
14 list as I -- as you think about vegetation and
15 land use?

16 MR. BENEFIELD: So -- and I think we
17 just said it, but just a whole overview of the
18 entire program, what is or isn't allowed. And
19 we heard a lot of comments from the public on
20 what -- what their perception of what they're
21 allowed to do, but just from the Corps, what can
22 you do? I mean, can you take out dead
23 vegetation or can't you? Can you -- what --
24 what -- where does the line -- what can you do
25 with a permit versus what -- you know, and then

1 is there -- is there an opportunity to consider
2 special circumstances or not? Where does that
3 fall?

4 So, like I said, nothing that we want
5 to hear today but just something for next time,
6 because next time we'll be crafting our
7 recommendation, so the more information we can
8 have on options will be great.

9 CHAIRMAN JAHNKE: All right. The next
10 one on my list was carrying capacity, and I know
11 we talked about that before lunch. Are we okay
12 with that, or would we like something different?
13 Did we get that one resolved?

14 MR. COX: Yeah.

15 CHAIRPERSON JAHNKE: We're -- okay.
16 We're resolved on that one.

17 Okay. The next one on my list is dock
18 violations. And I believe that was in reference
19 to if one person breaks the law but there's 20
20 docks, does everybody get punished or -- or how
21 does that work? I think that's what we're
22 trying to understand. And if you can help us
23 with that here, or if it's not even within our
24 jurisdiction, help us understand that.

25 MR. HUNT: Even if for no other reason

1 than just a -- if -- if she doesn't have to keep
2 making the same comment. I think she just
3 wanted an answer so -- the -- the lady that
4 presented that here.

5 MR. McDANIELS: So one of you all might
6 be able to comment on exactly what's in the
7 policy, but just in general, from a philosophy
8 standpoint, if an issue involves an individual
9 dock owner, typically it's that -- or individual
10 slip owner, I think typically it's that
11 individual slip owner that we are working with.

12 In cases where -- and I think it was
13 referenced earlier this morning -- if we were
14 going to require slips to be blocked off or not
15 used for some period of time, typically those
16 are the individual slip owner, you know, that
17 one or two slips in the dock.

18 If you did have something that was
19 relatively egregious that involved the entire
20 dock, there might be a scenario that would be
21 all of that. You know, Title 36 gives some
22 guidance on that. The local magistrate courts
23 kind of set those fines and penalties for us.
24 We do at times tie violations like encroachments
25 or trespass issues, like cutting trees or

1 building something on Corps property to the boat
2 dock, but, again, those are generally the
3 individual slip owners.

4 So, Becky or Rodney, do you guys want
5 to talk at all about the enforcement further at
6 the project here?

7 MR. RALEY: Yes. The -- the proposal
8 in the draft right now, it does state that --
9 like certain offenses, it does state restrict of
10 boat or boat slips by barricading the slip or
11 slips. So to answer the previous question or
12 the comment the individual have, if it's a
13 community dock and one person violates the
14 rules, it's that one person's slip that will be
15 affected, that we won't punish the entire dock.
16 We have done that in the past.

17 MR. McDANIELS: So if one owner
18 potentially has violation after violation after
19 violation, we could remove or require the
20 removal of those particular slips. The
21 commander would have the authority -- there's a
22 process that you go through to revoke a dock
23 permit and you go through the -- the intent
24 process and then the individual has the
25 opportunity to go under the permit holder to

1 make their case to the commander as to why they
2 should be able to keep that dock.

3 Theoretically, before you get to that
4 point, most likely either those two slips are
5 going to be sold off of that or potentially the
6 permittee of the community dock has some sort of
7 process on their own to work with a slip owner
8 in the dock to gain compliance there.

9 MR. BENEFIELD: So when you go on to
10 read that language, though, the very last is "or
11 dock" every time. So I guess my comment is if
12 you all would just look at it and say one, you
13 think it's sufficient right now to protect
14 against what the commenter was about or, two, is
15 there something that could be clarified that we
16 could recommend, you know, clarifies that hey,
17 the violation is based on the person's slip, not
18 the whole dock.

19 Because, I mean, to me, this -- this
20 always sounded like something that a
21 clarification either -- either "Hey, we think
22 it's clear but we'll put out a clarification
23 statement" or five words on this page and
24 there's no -- not even an issue that someone
25 could lose an entire dock because of one

1 person's actions.

2 MR. McDANIELS: Okay.

3 CHAIRPERSON JAHNKE: All right. So
4 let's do that as a recommendation for you to at
5 least look at the language of that and come back
6 the next time and report to us to see if you
7 think there might be some more appropriate
8 language. Okay?

9 All right. The next item on my list is
10 solar. And we talked a little bit about this
11 before lunch, talked a little bit about capacity
12 maintenance service but also the thought that,
13 you know, as we've moved forward, people have
14 stepped up and -- and -- and it's covered and
15 that -- that that will probably take care of
16 itself. Are there other questions/comments that
17 need to be addressed?

18 MR. HUNT: I think some of that was
19 resolved through conversation. I would be
20 interested to see the numbers again. I was
21 going to bring up your slide just to get a
22 better idea, but it's a pretty small -- if
23 you're just not adding that many docks a year,
24 it's not going to be this massive explosion of
25 need for new solar installation and maintenance

1 that I think I had in my head and -- when we
2 were talking about it earlier this morning, but
3 it's probably still worth follow-up
4 conversation, but not maybe the concern I
5 thought it was.

6 MR. COX: Yeah. My comment would be I
7 think that these smaller docks, it's -- it is a
8 great method, you know, for electrifying the
9 dock. And there are some limitations, but there
10 are other solutions, as I mentioned, you know,
11 the \$400 generator from Sam's if you got to run
12 power tools or whatever.

13 I do want to do a little more research
14 on the instance where it's absolutely impossible
15 to get the appropriate sunlight to power
16 something like this. You know, in that one out
17 of 10 or one out of 100 situations, you know, is
18 there a fallback, you know?

19 And perhaps it's a real estate fee
20 that, you know, for the -- the access to the
21 dock and it maybe costs the owner a little bit
22 more because of administrative overhead is going
23 to complicate things. That would be the one
24 thing we might want to recommend.

25 But I'm looking at the costs and the

1 benefits, and I think it is a darn good idea,
2 particularly as we look to getting more of these
3 two, four, six boat docks in place. I mean, I
4 build docks for a living, and I think if I had a
5 small dock, this is the route I'd go.

6 CHAIRPERSON JAHNKE: Okay. So it needs
7 -- so it needs to stay on the list because we'll
8 probably make -- maybe make a recommendation
9 next time. Okay. So let's leave it at least on
10 the list, but maybe we don't need any further
11 information, but we might think about a
12 recommendation next time.

13 Let's see. I had one on something
14 about cove space and room for a boat dock and
15 where it goes in the cove, this third --

16 MR. COX: Leave that on there. And let
17 me see if I can articulate that in some imagery.
18 And again, it's one of those situations where it
19 could be, you know, beneficial to the visiting
20 public, the dock owner, the Corps to position a
21 boat dock back in a cove that may not currently
22 meet this one-third of the cove width. It would
23 have to be a deep cove and blah-blah-blah, but
24 it might be something that would be -- be nice
25 to have as an option. Not necessarily to

1 approve additional docks, but just to position
2 it so it wouldn't be as visible and in the
3 weather and waves and so forth.

4 MR. McDANIELS: So just to clarify for
5 us when we go back and talk, you're, in essence,
6 saying some kind of language about docks should
7 be placed as close to the shoreline as possible
8 or --

9 MR. COX: Well, what I'm saying --

10 MR. McDANIELS: -- or is at least
11 visible or something like that?

12 MR. COX: Well, I guess what I'm saying
13 is -- I have a drawing here, but let's say you
14 have a boat dock -- a four slip dock, okay, and
15 you need to have a water space around the dock
16 to access the dock. And generally that's one
17 and a half times. So let's say it's a 30-foot
18 boat slip, so we need 45, 50 feet at low water
19 to access that boat dock.

20 Well, there may be a particular
21 situation where it could be positioned in a cove
22 -- where it's a deep or, you know, a steep
23 shoreline and it could be positioned farther
24 back in the cove, more hidden from public view,
25 neighbor view, more protected. It currently

1 wouldn't be allowed because you cannot put that
2 dock back there because if you have to have --
3 the width of a cove has to be -- and if the
4 width of the cove is in three parts, the dock
5 can only be one part; you've got to leave two
6 parts of that cove open.

7 Well, if it's a steep shoreline, we
8 might be able to move it back there and just
9 leave half of the cove open and, again, at low
10 water, it still has adequate access to it. So
11 that's all I'm saying.

12 MS. SHORTT: Okay. So just -- so like
13 an ability to have a variance to the one-
14 third --

15 MR. COX: Yeah, exactly, a variance to
16 the one-third rule if the variables are -- are
17 correct. You know, it would be based on water
18 depth and the angle of the shoreline, but I
19 think I can provide a -- I've got a program that
20 can do all the angles and provide pretty much a
21 guideline for maybe the variance that could be
22 given.

23 And particularly as you talk about
24 these smaller docks that may be coming out, it
25 would be nice to have these things not dotting

1 down, you know, the main shorelines, have them
2 back in the coves even farther.

3 MR. McDANIELS: So Rodney, is one-third
4 in 327.30?

5 MR. RALEY: Yes, it is.

6 MR. McDANIELS: So we would have to go
7 through the federal rulemaking process to get a
8 variance or a change to that, I would assume?

9 MR. RALEY: Yeah. You want to go
10 ahead?

11 MS. TANNEHILL: I've got Title
12 36.327.30A, the Density of Development. It says
13 "Docks should not extend out from the shore more
14 than one-third of the width of a cove at normal
15 recreation or multi -- multi-purpose pooling."

16 MR. McDANIELS: So the only -- who --
17 who would be the person who could grant a
18 variance, Andrea? Because typically it's
19 whoever enacts the rule that gets to grant the
20 variance. Would we just have to go through the
21 rulemaking process to put something in there?

22 MS. MURDOCK McDANIEL: Yeah. I -- I
23 believe you're going to have to go through the
24 rulemaking process. Now, that's -- you know,
25 Title 36 is going through one version of a

1 rulemaking right now not related to -- to
2 Shoreline Management but for other issues.
3 There are enough issues that have been coming up
4 that it's not to say that there won't be another
5 opportunity to go through that rulemaking
6 process and make some of those kinds of changes,
7 but right now, it's -- it would have to go
8 through that process to make those changes.

9 MR. HUNT: So just to clarify, it's not
10 within the scope of the Shoreline Management
11 Plan; is that correct? And it's not in --
12 within the scope of this committee to be able to
13 make that change to Title 36?

14 MR. McDANIELS: Well, it's -- it's not
15 within the scope of our commander to be able --
16 not scope. I'm sorry. It's not within the
17 authority of our commander to authorize
18 something contrary to the federal code.

19 MR. HUNT: So I -- what I'm trying to
20 get is it -- would it be a useful recommendation
21 for this committee to put out or is it -- or is
22 there another avenue that has to be pursued for
23 this change to be made?

24 MR. McDANIELS: So I think if the
25 committee put forth this recommendation, I would

1 provide that recommendation to Andrea so that on
2 her national level team that she could make the
3 suggestion, but then the response back to this
4 committee from the commander would be I cannot
5 do it because of --

6 MR. BENEFIELD: Just keep in mind, that
7 doesn't mean that it's not a valuable
8 recommendation. Just because it can't be
9 implemented without something greater, it
10 doesn't make it a bad recommendation.

11 MR. McDANIELS: That's -- that's fair.

12 MS. MURDOCK McDANIEL: Right. And
13 that's what I said. You know, you can --
14 anything that cannot be acted upon by this team,
15 it certainly is information I can take back and
16 inform other efforts.

17 MR. HUNT: Okay.

18 CHAIRPERSON JAHNKE: The last thing
19 that's on my list -- and it may not be on yours
20 so I'll come back to that -- was communication,
21 communication to the general public,
22 communication on rules and regulations. I think
23 you talked about codes with cell phones and
24 being able to -- to make sure that communication
25 is clear and understandable.

1 I don't know that we have a specific
2 recommendation right now, but are there any
3 questions, or does -- does anybody have anything
4 specific that they would want to note at this
5 point or just keep it on the list?

6 MS. THOMAS: I don't know if we need a
7 formal recommendation, but I did -- I did take
8 note of the gentleman who said he didn't know
9 about the meeting because he didn't live here.
10 So if there's a way to communicate with folks
11 via e-mail, I would just encourage you all to do
12 that if you can. Since they don't live here,
13 they probably don't read any local media on a
14 regular basis, and so that might be a good
15 alternative.

16 CHAIRPERSON JAHNKE: Okay. Yeah, Ryan.

17 MR. BENEFIELD: No. Just when you're
18 done with that, I got another question on the
19 cove issue. Sorry. I was thinking so if -- if
20 they were -- let's say our recommendation's
21 taken, Title 36 or whatever is changed. Is the
22 fact that it's still written here as a one-third
23 -- will that mean that the SMP would have to be
24 opened up again to make the change even if the
25 federal rule changed?

1 So I guess I'll just say, Pat, if you
2 want to make a recommendation in that regard,
3 you might consider that, that even if --

4 MR. COX: Okay.

5 MR. RYAN: -- even if federally if we
6 were to be successful, the SMP would still limit
7 you to a one-third requirement as it's currently
8 written, even if the -- even if it were to
9 change above.

10 MR. McDANIELS: So here would be my
11 thought -- and Andrea can jump in, but the
12 federal rulemaking process is a public process
13 that goes through, well, at least as much as a
14 normal SMP would. So -- and, Deanna, this is a
15 legal question as well, but if a federal
16 rulemaking change was approved and Title 36 was
17 amended, I think then it would be fairly easy
18 for us to do a minor change to the SMP to get
19 into compliance with the federal rule and that
20 it probably wouldn't require any further public
21 coordination at our level.

22 MS. MURDOCK McDANIEL: I believe you
23 could make it an administrative change to --

24 MR. McDANIELS: Yeah, that's what I'm
25 saying.

1 MS. MURDOCK McDANIEL: -- bring it up
2 to current standards, yes.

3 MS. RAY: Well, I -- I agree with
4 Andrea, but the regulation would trump anyway.
5 I mean, it would be what we'd have to follow
6 even if we didn't make the administrative
7 change.

8 CHAIRPERSON JAHNKE: Okay. What did I
9 miss on my list? Secretary, did you have
10 anything else on your list?

11 MS. THOMAS: No.

12 MR. COX: Can I open up -- back up
13 cedar trees again?

14 CHAIRPERSON JAHNKE: Sure. Go for it.

15 MR. COX: Big cedar -- big cedar trees.
16 I'm just thinking out loud here. Is there --
17 Kevin and his team, Becky, do we have some ideas
18 in terms of what you think would be appropriate?
19 I've just made notes here, you know, what would
20 be a percentage reduction that would be deemed
21 as, you know, an approvable?

22 Let's say you have a solid cedar tree
23 forest that's grown up and under the certain
24 parameters, the size, and so forth, and height,
25 maybe you could reduce the density 30 percent.

1 I mean, is it -- what do we think in terms of
2 what's going to be the --

3 MR. McDANIELS: So what I say that we
4 will most likely do -- we have multiple
5 registered foresters within our district.
6 There's not one here at Table Rock, I don't
7 believe, but we have one in the district. We
8 have them on other projects. We'll take this
9 back as a task for them to talk about cedar
10 trees and see what they can come up with, but
11 with all of these licensed professionals, I
12 don't think it makes sense for us to sit here
13 and try to figure out what's right without
14 including them in at least a conversation.

15 So it could be what the plan says. It
16 could be something total different by the time
17 we meet in May. I would say that, you know,
18 like the situation Rodney talked about where if
19 you've got cedar trees growing up out of a rocky
20 cliff, knoll, crevice, or whatever, we're
21 probably going to be less likely to want to
22 remove some of those if you can't get something
23 else to grow back.

24 But if you did actually have a full
25 stand of cedar trees -- and back to kind of the

1 whole wanted to come up with a landscape plan to
2 turn those into a more natural hardwood type
3 forest or something with Sycamores or, you know,
4 things of that nature. Us Corps folks did kind
5 of talk at lunch a little bit about the --
6 getting a whole lot of those warm season grasses
7 real dense and thick and then weighing those
8 against the concerns we've been told about
9 snakes and ticks and chiggers and, you know,
10 creating a more snake friendly environment may
11 not necessarily be the answer either.

12 But that's something we can have our --
13 our professionals take a look at there, Pat, and
14 just kind of let you know if -- if there's
15 something that they think is reasonable with
16 that particular species.

17 MR. COX: Okay.

18 MR. HUNT: I mean, the question of
19 whether it creates a better habitat for snakes
20 or bugs or whatever could be at the discretion
21 of that permit applicant to decide these are my
22 alternatives, a cedar thicket or -- or grass --
23 tall grass that's scary or whatever. I mean,
24 you don't have to decide that for them, I guess,
25 that restriction.

1 If they're going to -- if the foresters
2 would present, I'd also be interested just to
3 know about the -- the -- the erosion control
4 benefits of those cedar trees because in my
5 experience with them, I mean, they do shade a
6 lot out, and so I just wonder how much better
7 they hold soil than grasses would.

8 And if they're growing places without
9 soil that nothing else will grow, my question is
10 kind of then what are they holding if there's
11 not soil there to erode in the first place? So
12 I'm just curious to how they came up with that,
13 because I saw in the draft as the -- that, you
14 know, they determined that cedar trees are
15 useful and -- and have erosion prevention
16 benefits. And I'd just be curious about a
17 little bit deeper information on that as to why
18 we're, you know, so protective of the cedar
19 trees in -- in this particular application.

20 MR. McDANIELS: Yeah. I mean, I'm not
21 going to go into a whole lot of depth, but trees
22 in general tend to have a little bit more
23 substantial root structure that seems to hold
24 larger chunks of land intact when you have high
25 water coming up on them versus grasses which are

1 generally fairly weak, fairly shallow, maybe not
2 as good of a root structure when it comes to,
3 you know, holding a little bit larger chunk
4 intact.

5 MS. SHORTT: And then just to read from
6 the notes that we have from our internal Corps
7 team that worked on the Shoreline Management
8 Plan, one of the things that the team did
9 discuss was a potential of establishing a
10 minimum density for trees.

11 And we looked at other lake's shoreline
12 management plans and what they had. And like,
13 for instance, Old Hickory Lake had a requirement
14 for 24 trees per acre. And what our team's --
15 our team's questions were, you know, is this
16 supported by science that this is the right
17 thing to do? But their limiting factor was that
18 this would cause a need for increased funding to
19 support the increased manpower needed for the
20 increased permits and the level of inspection
21 that it would take to ensure people were
22 complying with these very specific requirements.

23 MR. COX: Right. And I think there
24 could be a mechanism where you could issue them
25 through a real estate document, sort of a

1 management lease for that strip of land behind
2 your place with -- and then with that is their
3 landscape plan that they're to adhere to and,
4 you know, three, four, 500 bucks a year.

5 I mean, what's it worth?

6 I mean, it's worth a lot if it's a
7 third of the value of your home. You know, if
8 it's -- if it's you're offering a benefit to
9 them, they need to pay for it. But just to say
10 you're out of luck, we're going to let the --
11 the trees just grow to the sky and now, you
12 know, we're -- we're really degrading the
13 property values and investments people have
14 made, I don't think that's an alternative
15 either. I feel that way about boat docks too.
16 Do you want me to launch into that?

17 CHAIRPERSON JAHNKE: All right. Any --
18 is there -- is there anything else that we have
19 missed at this point?

20 (No verbal response.)

21 CHAIRPERSON JAHNKE: All right. So our
22 next meeting is on May 6th. We will start at
23 8:00 a.m. I'm going to let Kevin do much of
24 this. You can still make written comments.
25 They have to be received by April 28th in order

1 to have that meeting happen, and we will accept
2 verbal comments at the beginning of the meeting
3 at the next meeting as well.

4 All right. Anything else that you need
5 to add?

6 MR. McDANIELS: Yeah. I think that
7 pretty much says it all. We've got the
8 addresses, everything on the back of your
9 agenda, the websites. So we have the federal
10 register notice that came out if you hadn't seen
11 it since we had to cancel in January. We do
12 have now the fourth meeting set up in July so
13 you'll see more about that.

14 The written comment thing, April 28th.
15 Please make sure if you have anything written,
16 you have them in by then because we want the
17 committee to have everything so that they have
18 plenty of time to review and think about that
19 before they come on May 6th and make final
20 recommendations to us.

21 And keep an eye on the website. We did
22 not have a whole lot of public comments today.
23 We did see that maybe it caused people to talk a
24 little faster so -- Tammy, just so you know,
25 we're going to probably talk about maybe

1 slightly extending that three-minute comment --
2 or two-minute comment period, and then it might
3 be determined based on whether or not we have to
4 go back with a new federal register notice. So
5 we're going to ask that question, and we'll get
6 back to you guys and let you know if that two
7 minutes stays intact or not.

8 So I guess JT is gone, our public
9 affairs guy, but if -- if there's anybody left
10 from the press or anything that needs to talk to
11 him, we will get you guys in touch with him.

12 And see you back here on May 6th. And
13 to the committee and everybody who came, we
14 certainly appreciate your time. Thank you.

15 CHAIRPERSON JAHNKE: I think the
16 committee -- we need to make a motion to adjourn
17 officially so that we can go.

18 MR. BENEFIELD: So moved.

19 MR. COX: Second.

20 CHAIRPERSON JAHNKE: All those in favor
21 say aye.

22 MS. THOMAS: Aye.

23 MR. COX: Aye.

24 MS. HARRISON: Aye.

25 MR. HUNT: Aye.

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MR. BENEFIELD: Aye.

CHAIRPERSON JAHNKE: Opposed?

(No verbal response.)

CHAIRPERSON JAHNKE: All right. We are adjourned. Thank you very much for all of your work.

(Hearing concluded at 1:53 p.m.)

REPORTER'S CERTIFICATE

STATE OF MISSOURI)
COUNTY OF GREENE) ss.

I, Susan K. Boyce, Certified Court Reporter, do hereby certify that on March 5 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.

Susan K. Boyce, CCR