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DEPARTMENT OF THE ARMY  
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LRDOM 1130-2-27

Office Memorandum  
No. 1130-2-27

10 July 1989

Project Operations  
NO SWIMMING, WADING, DIVING POLICY FOR DEVELOPED  
RECREATIONAL AREAS ON NAVIGATION POOLS ALONG THE  
ARKANSAS RIVER

1. Purpose. This memorandum establishes a consistent policy for prohibiting swimming, wading, and diving activities at developed recreational areas in hopes of reducing public injuries and fatalities along the McClellan-Kerr Arkansas River Navigation System.

2. Applicability.

a. This applies to developed recreational areas on portions of the McClellan-Kerr Arkansas River Navigation System from navigation mile (N.M.) 0.0 at the mouth of the White River to N.M. mile 308.4 navigation Pool 13, all of which are within the State of Arkansas. Specific information pertaining to areas of applicability is as follows:

(1) The Pine Bluff Resident Office and Arkansas Post Project Office from N.M. 0.0 at the mouth of the White River to navigation mile (N.M.) 125.0 at the downstream approach to Murray Lock and Dam, which includes navigation pools 1, 2, 3, 4, 5, and 6. The recreational areas which are to be affected are as follows: Willow Beach, David D. Terry, Dam Site West, Wrightsville, Tar Camp, Dam Site 5, Ste. Marie, Sheppard Island, Trulock, Rising Star, Huff's Island, Little Bayou Meto, Big Bayou Meto, Wild Goose Bayou, Moore Bayou, Merrisach Lake, Notrebes Bend, and Pendleton Bend.

(2) The Lake Dardanelle Project Office, Toad Suck Ferry Project Office and Ozark Lake Project Office N.M. 125.0 to 205.5 (Navigation Pools 7, 8, and 9) and from N.M. 292.8 to 308.4 (Navigation Pool 13). The recreational areas which are to be affected are as follows: Cook's Landing, Maumelle, Palarm, Bigelow, Toad Suck, Old Ferry Landing, Cadron Settlement, Point Remove, Cherokee, Sequoyah, Cypress Creek, Sweeden Island, Old Post Road, Riverview, Lee Creek, Spring Hill, and Fort Smith.

b. This memorandum is not applicable to the Ozark Pool (Pool 12) and the Dardanelle Pool (Pool 10). While all areas along the Arkansas River are subject to some hazards, certain areas within the Ozark and Dardanelle Pools are deeper, more stable, located off the main channel of the Arkansas River, and less subject to some of the hazards found in other areas along the Arkansas River.

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3. Objectives. It is the objective of this policy to facilitate the continued provision of quality outdoor recreational opportunities in a safe and healthful environment for project visitors while properly enlightening the using public of certain hazards which have been determined to be contrary to public safety considerations.

4. General. The Arkansas River, with few exceptions, is considered to be hazardous with currents, undertows, unstable and crumbling banks, sinkholes, suction and whirlpools. The Arkansas River presents many dangers for the unsuspecting user, and it creates serious life-threatening situations for our project visitors. The most obvious solution to this problem consists of initiating the following programs:

- a. Increase ranger surveillance and enforcement activities at the project.
- b. Install and maintain appropriate signs and buoys as necessary for delineation and/or warning.
- c. Educate the public to the hazards and safe practices associated with water-related activities.

The ideal solution would be a balance of all three of these programs. However, the educational process would foster a more positive image for the Corps as opposed to more regulations and rigid enforcement.

5. Enforcement. The U.S. Army Corps of Engineers is limited in the enforcement of swimming restrictions. However, select ranger personnel have been trained to enforce Title 36-Parks, Forest, and Public Property, Chapter III-U.S. Army Corps of Engineers, Part 327-Rules and Regulations Governing Public Use of Water Resources Development Projects Administered by the Chief of Engineers. The regulations which pertain to swimming and violations are as follows:

a. 327.5(a). "Swimming, diving, snorkling or scuba diving at one's own risk is permitted, except at launching sites, designated mooring points and other areas so designated by the District Engineer. Diving or jumping from bridges or other structures which cross project waters is prohibited."

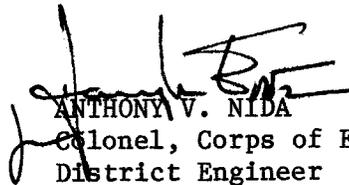
b. 327.25(a). "Any person who violates the provisions of these regulations, other than for a failure to pay authorized recreation use fees as separately provided for in Section 327.23, may be punished by a fine of not more than \$500 or imprisonment for not more than six months or both and may be

tried and sentenced in accordance with the provisions of Section 3401 of Title 18, United States Code. Persons designated by the District Engineer shall have the authority to issue a citation for violation to appear before the United States Magistrate within whose jurisdiction the affected water resources development project is located. (16 USC 460d)."

6. Education. Water safety presentations will continue to be presented by ranger personnel to civic groups, school groups, businesses, other governmental agencies, and employee safety meetings. Ranger personnel will take every opportunity to encourage park visitors to practice safety while engaging in water-oriented recreational activities. Personnel will be encouraged to join and participate in civic and conservation organizations that promote water safety. Water safety efforts will continue to receive priority emphasis from the Public Affairs Office, Safety Office, and Recreation-Resource Management Branch within the District.

7. Signs and Buoys. Appropriate signs and buoys will be installed in areas that are highly visible to project visitors. These warning signs may prohibit swimming, wading, and diving, or provide delineation and should be in accordance with the U.S. Army Corps of Engineers Sign Standards Manual.

8. This memorandum does not in any way affect the Government's responsibilities and liabilities existing under law.

  
ANTHONY V. NIDA  
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District Engineer

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