

SHORELINE USE PERMIT CONDITIONS

Note: The number shown in parenthesis () refers to the corresponding condition of ER 1130-2-406, Appendix C.

1. This permit is granted solely to the applicant for the purpose (s) described on the attached permit. (1)
2. This permit is non-transferable. Upon the sale or other transfer of the permitted facility or the death of the permittee and his/her legal spouse, this permit is null and void. (20)
3. If the ownership of a permitted facility is sold or transferred, the permittee or new owner will notify the Resource Manager of the action prior to finalization. The new owner must apply for a Shoreline Use Permit within 14 days or remove the facility and restore the area within 30 days from the date of ownership transfer. (26)
4. the permittee agrees to and does hereby release and agree to save and hold the Government harmless from any and all causes of action, suits at law or equity, or claims or demands or from any liability of any nature whatsoever for or on account of any damages to persons or property, including a permitted facility, growing out of the ownership, construction, operation or maintenance by the permittee of the permitted facilities and/or activities. (2)
5. The Government shall in no case be liable for any damage or injury to a permitted facility which may be caused by or result from subsequent operations undertaken by the Government for the improvement of navigation or for other lawful purposes, and no claims or right to compensation shall accrue from any such damage. This includes any damage that may occur from private property if a facility is removed for noncompliance with the conditions of the permit. (6)
6. Ownership, construction, operation, use and maintenance of a permitted facility are subject to the Government's navigation servitude. (3)
7. No attempt shall be made by the permittee to forbid the full and free use by the public of all public waters and/or lands at or adjacent to the permitted facility or to unreasonable interfere with any authorized project purposes, including navigation in connection with the ownership, construction, operation or maintenance of a permitted facility and/or activity. (4)
8. the permittee agrees that if subsequent operations by the Government require an alteration in the location of a permitted facility and/or activity or if in the opinion of the district commander a permitted facility and/or activity shall cause unreasonable obstruction to navigation or that the public interest so requires, the permittee shall be required, upon written notice from the district commander, to remove, alter, or relocated the permitted facility without expense to the Government. (5)

9. Ownership, construction, operation, use and maintenance of a permitted facility and/or activity are subject to all applicable Federal, state and local laws and regulations. Failure to abide by these applicable laws and regulations may be cause for revocation of the permit. (7)

10. this permit does not convey any property rights either in real estate or material, and does not authorize any injury to private property or invasion of private rights or any infringement of Federal, state or local laws or regulation, nor does it obviate the necessity of obtaining state or local assent required by law for the construction, operation, use or maintenance of a permitted facility and/or activity. (8)

11. The permittee shall remove a permitted facility within 30 days, at his/her expense, and restore the waterway and lands to a condition accepted by the resource manager upon termination or revocation of this permit or if the permittee ceases to use, operate or maintain a permitted facility and/or activity. If the permittee fails to comply to the satisfaction of the resource manager, the district commander may remove the facility by contract or otherwise and the permittee agrees to pay all costs incurred thereof. (10)

12. Facilities granted under this permit will not be leased, rented, sublet or provided to others by any means of engaging in commercial activity (s) by the permittee or his/her agent for monetary gain. This does not preclude the permittee from selling total ownership to the facility. (13)

13. Permitted facilities and activities are subject to periodic inspection by authorized Corps representatives. The resource manager will notify the permittee of any deficiencies and together establish a schedule for their correction. No deviation or changes from approved plans will be allowed without prior written approval of the resource manager. (15)

14. The resource manager or his/her authorized representative shall be allowed to cross the permittee's property, as necessary, to inspect facilities and/or activities under permit. (24)

15. The permit display tag shall be posted on the permitted facility and/or on the land areas covered by the permit so that it can be visually checked with ease in accordance with instructions provided by the resource manger. (17)

16. The permittee agrees to construct the facility within the time limit agreed to on the permit issuance date. The permit shall become null and void if construction is not completed within that period. Further, the permittee agrees to operate and maintain any permitted facility and/or activity in a manner so as to provide safety, minimize any adverse impact on fish and wildlife habitat, natural, environmental, or cultural resources values and in a manner so as to minimize the degradation of water quality. (9)

17. The use of a permitted boat dock facility shall be limited to the mooring of the permittee's vessel or watercraft and the storage, in enclosed locker facilities, of his/her gear essential to the operation of such vessel or watercraft. (11)

18. neither a permitted facility nor any houseboat, cabin cruiser, or other vessel moored thereto shall be used as a place of habitation or as a full or part-time residence or in any manner which gives the appearance of converting the public property, on which the facility is located, to private use. (11)

19. Floats and the flotation material for all docks and boat mooring buoys shall be fabricated of materials manufactured for marine use. The float and its flotation material shall be 100% warranted for a minimum of 8 years against sinking, becoming waterlogged, cracking, peeling, fragmenting, or losing beads. All floats shall resist puncture and penetration and shall not be subject to damage by animals under normal conditions for the area. All floats and the flotation material used in them shall be fire resistant. Any float which is within 40 feet of a line carrying fuel shall be 100% impervious to water and fuel. The use of new or recycled plastic or metal drums or non-compartmentalized air containers for encasement or floats is prohibited. Existing floats are authorized until it or its flotation material is no longer serviceable, at which time it shall be replaced with a float that meets the condition listed above. For any floats installed after the effective date of this specification, repair or replacement shall be required when it or its flotation material no longer performs its designated function or it fails to meet the specifications for which it was originally warranted. (14)

20. Floating facilities shall be securely attached to the shore in accordance with the approved plans by means of mooring which do not obstruct general public use of the shoreline or adversely affect the natural terrain or vegetation. Anchoring to vegetation is prohibited. (16)

21. If permitted facilities are removed for storage or extensive maintenance, the resource manager may require all portions of the facility be removed from public property. (27)

22. No change in land form such as grading, excavation or filling is authorized by this permit. (19)

23. No vegetation other than that prescribed in the permit will be damaged, destroyed or removed. No vegetation of any kind will be planted, other than that specifically prescribed in the permit. (18)

24. When vegetation modification is allowed, the permittee will delineate the government property line in a clear, but unobtrusive manner approved by the resource manager and in accordance with the project shoreline management plan. (15)

25. When vegetation modification on these lands is accomplished by chemical means, the program will be in accordance with appropriate Federal, state and local laws, rules and regulations. (23)

26. By 30 days written notice, mailed to the permittee by certified letter, the district commander may revoke this permit whenever the public interest necessitates such

revocation or when the permittee fails to comply with any permit condition or term. The revocation notice shall specify the reasons for such action. If the permittee requests a hearing in writing to the district commander through the resource manager within the 30 day period, the district commander shall grant such hearing at the earliest opportunity. In no event shall the hearing date be more than 60 days from the date of the hearing request. Following the hearing, a written decision will be rendered and a copy mailed to the permittee by certified letter. (21)

27. Notwithstanding the condition cited in condition 26, if in the opinion of the district commander, emergency circumstances dictate otherwise, the district commander may summarily revoke the permit. (22)

APPENDIX E

CONDITIONS OF PERMIT FOR SHORELINE IMPROVEMENTS AND VEGETATION MODIFICATION ON PROJECT LANDS BY ADJACENT LANDOWNERS IN THE LITTLE ROCK DISTRICT

1. The following conditions will apply to all requests from adjacent landowners to perform shoreline improvements or vegetation modifications on public land adjoining their private property. The purpose of these conditions is to enhance wildlife propagation, conserve the aesthetic value of the public lands, and prevent erosion and degradation of the shoreline.
2. Adjacent landowners desiring to make shoreline improvements must obtain a written permit from the operations manager before removing vegetation, planting trees or shrubs, underbrushing, mowing or making any other alterations to public lands. Permits will not be granted to individuals for use of lands allocated as public recreation areas, including their buffers, or on lands allocated as prohibited access areas. Cost of the permit will be \$10.00 for a five-year period. No work will be performed outside the limits of the permit area as shown on the drawing attached to ENG 4264-R (Application for Shoreline Use Permit).
3. Pedestrian access paths approximately six feet or less in width may be maintained to the shoreline. The path must follow a meandering route to prevent erosion and to avoid the need for removal of trees and vegetation. The permittee will delineate the government property line in a clear but unobtrusive manner approved by the operations manager or his representative. Drawings of the path by a park ranger will serve to delineate the beginning and the end of the path. Failure to delineate will be grounds for immediate revocation of the permit and forfeiture of any paid fees. The permit does not convey the right to construct any structures (steps, bridges, landscape lighting, light poles, etc.) in connection with the path.
4. Construction of paths and shoreline improvements will also be subject to the following conditions:
 - a. Only hand-operated tools and noncommercial lawn mowers may be used. The use of heavy equipment such as tractors and bulldozers is not permitted.
 - b. Only dead or diseased trees previously inspected and marked by the operation project manager or his representative may be cut. Felled trees shall remain on project lands for wildlife habitat. No burning by individuals will be allowed on project lands.
 - c. Flowering trees or shrubs such as dogwood and redbud may not be cut regardless of their size.
 - d. Trees larger than two inches in diameter (measured at chest height) may not be cut. The operations manager may restrict the cutting of trees less than two inches in

diameter if it is determined that it would create an erosion problem or similar adverse impact. Smaller seedlings may also be protected to assure future regeneration of canopy trees.

- e. Trimming, cutting, limbing or topping of trees is prohibited.
- f. Burning of leaf litter is not permitted on public lands.

5. Written requests regarding natural resource management activities for the shoreline must be accompanied by a detailed and well-described plan utilizing native trees and plants. The plan will provide for better management of the area for the enhancement of wildlife propagation, conservation of the natural conditions of the shoreline and prevention of erosion.

6. Mowing or underbrushing may be permitted for fire protection purposes only. The limits of mowing will be dependent upon the proximity of habitable structures to the government boundary and other private boundaries. Mowing limits will be measured from the foundation of the habitable structure. Decks, porches or outbuilding are not considered a part of the habitable structure. The actual limits of any vegetative modification will be determined by the operations manager or his representative and clearly defined on the drawing attached to ENG Form 4264-R. The MAXIMUM allowable limits for vegetation modification are contained in the approved shoreline management plan. Areas covered by the permit will be inspected periodically to assure that the mowing is within prescribed limits.

7. The permittee will delineate the government property line in a clear but unobtrusive manner approved by the operations manager or his representative within 10 days of the permit date. Drawings by a park ranger will delineate the actual limits of mowing. Methods of delineation may vary to include wooden stakes, fence posts, 4X4 timbers, rock piles, shrubs, trees and similar items. Failure to delineate will be grounds for immediate revocation of the permit and forfeiture of any paid fees.

8. When vegetation modification on project lands is accomplished by chemical means, the application will be in accordance with appropriate federal, state, and local laws, rules, and regulations. A detailed plan of the proposed work must be approved prior to any work. The adjacent landowner remains responsible for any excess damage caused by the chemicals and may be required to post a bond before beginning work.

9. All lands covered by this permit will remain open at all times for use by the general public. The permittee shall avoid creating the appearance of private and exclusive use of public lands. The placement or abandonment of picnic tables, boat trailers or other personal property is prohibited.

10. Violators of this permit, unless specifically addressed previously, will be given 30-calendar days notice by regular mail before the permit will be cancelled.