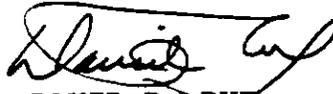


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c. Real Estate Instruments. Requests involving commercial development, rights-of-way, or changes in the land form (grading, cuts, or fills) or establishment of land-based support facilities for private floating facilities will continue to be evaluated by Real Estate Division. Approval will be granted by granting a lease, license, or other legal grant issued by the Real Estate Division. Shoreline use permits are not required for facilities or activities covered by a real estate instrument.

7. Facilities Existing Under Special Conditions. The Plan will consider existing permitted facilities and prior written commitments. Approved facilities and/or activities outside of limited development areas will be grandfathered. Green permit tags will be used to designate facilities and activities being allowed under special conditions and to set them apart from other facilities and/or activities. Special provisions also apply to the removal of grandfathered facilities or activities lawfully installed and under permit as of 29 December 1981 or 17 November 1986. Procedures regarding removal of these grandfathered facilities as provided for in PL 97-140 and PL 99-662 are outlined in paragraph 8 of ER 1130-2-406.

8. Facility Maintenance. Minimum construction and maintenance requirements for private floating facilities are outlined in Appendix G. When deficiencies are detected, the Resident Engineer/Manager and permittee will establish a schedule, considering the seriousness of the safety deficiency, for correcting the situation at the permittee's expense.



DAVID R. RUF
Colonel, Corps of Engineers
District Engineer

7 APPENDIXES
APP A - Shoreline Use
Permit-Guidelines
APP B - Shoreline Use
Permit- Sample Application
APP C - Shoreline Use
Permit-Conditions
APP D - Shoreline Use
Permit-Sample Tag
APP E - Community Dock Organization
Sample Forms
APP F- Electrical Certification
Sample Form
APP G - Construction and Maintenance
Requirements for Private Floating Facilities

DISTRIBUTION A

APPENDIX A

SHORELINE USE PERMIT
GUIDELINES

1. General.

a. Decisions regarding permits for private shoreline uses will consider the objectives of the Shoreline Management Plan for the project and the physical characteristics of the project. The requested use must not result in any significant environmental damage to the shoreline. The requested facilities or related shoreline uses must not create a safety hazard or inhibit public use and enjoyment of project water or shoreline. The effects of added private mooring facilities on the commercial marina concessions providing similar services will also be considered.

b. Shoreline use permits will be issued only to applicants with a legal right of access to the shoreline involved. Access could involve adjacent ownership by the applicant, a documented legal right granted to the permittee to cross private property, or use of a dedicated public road in the vicinity of the area involved. The shoreline use permit does not convey any real estate or personal property rights or exclusive use rights to the permit holder merely because he/she is an adjacent property owner. The public's right of access and use of the permit area must be maintained and preserved.

c. The permitted use must not preclude the public right of pedestrian or vessel access to the water surface or public land involved. Permittees may take reasonable precautions to protect their property from theft, vandalism, or trespass.

d. Shoreline use permits are not required for temporary duck blinds constructed of natural materials.

2. Processing Shoreline Use Permits.

a. Applications for shoreline use permits may be obtained from the Resident Engineer/Manager at the project. Completed applications will be returned to the Resident Engineer/Manager who will have the responsibility to review, approve and issue the permit.

b. Two copies of the plans and specifications for the proposed facility and a site plan identifying any land based support facilities will be submitted to the Resident Engineer/Manager for review. Facilities must meet the Minimum Construction and Maintenance Requirements for Private Floating Facilities outlined in Appendix G. The plans must be approved by the Resident Engineer/Manager or accompanied by a written

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certification from a licensed engineer stating that the facility is structurally safe. The shoreline use permit must be issued prior to beginning construction.

c. The following guidelines will also be considered when reviewing and approving shoreline use permits:

(1) The request will comply with all applicable conditions of the shoreline use permit as outlined in Appendix C. Additional permit conditions may be added upon approval by the Chief, Construction-Operations Division.

(2) Floating facilities will not exceed the minimum size to moor the owner's boat(s) plus the minimum size enclosed storage locker for items essential to watercraft operation. Floating facilities will not be used for human habitation. New docks must be constructed with open sides.

(3) Decks may be used for sun bathing. Diving boards or water slides will not be approved for use on private floating facilities. Adequate water depth for dock moorage does not assure adequate water depth for safe diving. Ladders may be provided on docks to facilitate loading and unloading boats.

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

(5) Procedures regarding permits for individual facilities will also apply to permits for community facilities.

(6) All electrical installations must conform to current national and local electrical code requirements. The Resident Engineer/Manager will require immediate removal or disconnection of any electrical service or equipment that does not meet code or is not safely maintained.

(7) Shoreline use permits for mowing will be issued for a term of 5 years. Mowing may be included on the same permit with other shoreline uses.

d. The original copy of the approved lakeshore use permit, ENG Form 4264-R (Appendix B), will be returned to the permittee. Computer generated forms may be used in conjunction with automated Shoreline Management Programs. Computer generated forms will be designated ENG Form 4264-R-E. Copies of approved permits will be retained by the Resident Engineer/Manager.

3. Posting of Permit Numbers. Two white plastic permit tags, approximately 6 by 8 inches in size, bearing the permit number and expiration date will be furnished with each permit issued. These tags will be posted on the floating facility and/or the land area covered by the permit in accordance with instructions provided by the Resident Engineer/Manager. Facilities and/or activities permitted under special conditions, such as grandfathering, will be identified by using green permit tags to make them readily identifiable.

4. Permit Revocation. Authority to revoke Shoreline Use Permits rests with the District Commander. Permits may be revoked when the action is in the public interest or when the permittee fails to comply with the terms and conditions of the permit, the Shoreline Management Plan, or ER 1130-2-406. Conditions must be carefully and completely documented with copies of certified correspondence to the permittee, dated photographs and detailed inspection reports when recommending permit revocation to the District Commander. The permittee notification process is also outlined in permit Condition 26.

5. Removal of Facilities. It is the responsibility of the permittee to remove facilities upon termination of the shoreline use permit. If the permittee fails to do so, the District Commander may, under authority of permit Condition 11, remove the facility by contract or otherwise and require reimbursement of the costs incurred from the permittee. The provisions of Section 6 of Public Law 97-140 and Section 1134(d) of Public Law 99-662 must be given careful consideration before requiring removal of facilities under permit as of 17 Nov 86 or 29 Dec 81. Facilities not removed when specified in the permit or when requested after termination or revocation of the permit will be treated as unauthorized structures pursuant to 36 CFR 327.20.

APPENDIX B
APPLICATION FOR SHORELINE USE PERMIT

APPLICATION FOR SHORELINE USE PERMIT (SR 1130-2-33)		
<small>(See reverse side for Privacy Act Statement)</small> Print or type information requested below. Submit two completed and original signed copies of this application with two complete sets of plans and specifications to the Resource Manager.		
PROJECT	DATE OF APPLICATION	
NAME OF APPLICANT (and Successor if applicable)	TELEPHONE, AREA CODE AND NUMBER	
STREET	CITY, STATE, ZIP CODE	
TYPE OF FACILITY (Check one or more boxes as appropriate) <input type="checkbox"/> NEW <input type="checkbox"/> RENEWAL <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p style="text-align: center;"><u>WATER-BASE</u></p> <p><input type="checkbox"/> SINGLE-OWNER DOCK <input type="checkbox"/> SKI LIFT</p> <p><input type="checkbox"/> COMMUNITY DOCK <input type="checkbox"/> SKI COURSE</p> <p><input type="checkbox"/> MOORING BUOY <input type="checkbox"/> SNOW FLOAT</p> <p><input type="checkbox"/> MOORING POST <input type="checkbox"/> DUCK BLIND</p> <p><input type="checkbox"/> OTHER (Describe): _____</p> </div> <div style="width: 45%;"> <p style="text-align: center;"><u>LAND-BASE</u></p> <p><input type="checkbox"/> UNDERBALDING <input type="checkbox"/> MOWING</p> <p><input type="checkbox"/> PLANT / LANDSCAPING <input type="checkbox"/> FOOT PATH</p> <p><input type="checkbox"/> EROSION CONTROL</p> </div> </div>		
BRIEF DESCRIPTION OF FACILITY LOCATION, STATE LICENSE NUMBERS OF BOATS TO BE DOCKED (if this application is for a boat mooring facility) OR DEVELOPMENT (if this application is for land use)		
FOR ILLUSTRATION PURPOSES ONLY (Local reproduction authorized - blank masters available from local FMO)		
THE FOLLOWING ALTERNATE PARTY WILL BE READY AVAILABLE ON SHORT-NOTICE CALL AND RESPONSIBLE FOR PROVIDING ANY NEEDED SURVEILLANCE OF THE STRUCTURE IN MY ABSENCE.		
NAME	TELEPHONE, AREA CODE AND NUMBER	
STREET	CITY, STATE, ZIP CODE	
I UNDERSTAND AND AGREE TO THE CONDITIONS OF THE PERMIT FOR SHORELINE USE. TWO COMPLETE SETS OF THE PLANS AND SPECIFICATIONS INCLUDING SITE LOCATION AND LAYOUT PLAN FOR THE PROPOSED ACTIVITY, STRUCTURE OR ANCHORAGE SYSTEM ARE ENCLOSED.		
_____ (Name)	_____ (Signature of Applicant)	
_____ (Name)	_____ (Signature of Resource)	
(DO NOT WRITE BELOW THIS LINE)		
PERMIT		
SHORELINE PERMIT NO.	DATE ISSUED	DATE EXPIRES (Date)
THE APPLICANT IS HEREBY GRANTED A PERMIT TO CONSTRUCT AND/OR MAINTAIN AND USE A FLOATING RECREATION FACILITY OR OTHER DEVELOPMENT AS SHOWN ON THE ATTACHED PLANS SUBJECT TO THE RULES AND REGULATIONS OF THE CORPS OF ENGINEERS ON WATERS UNDER THE CONTROL OF THE U.S. ARMY, CORPS OF ENGINEERS. THE PERMITTEE SHALL ADHERE TO THE CONDITIONS FOR SHORELINE USE SET FORTH IN APPENDIX C OF SR 1130-2-33.		
_____ (Name)	_____ (Signature of Resource Manager)	

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY	The Rivers and Harbors Act of 1894 as amended and supplemented (33 U.S.C. 1)
PRINCIPAL PURPOSE	Provide the Corps of Engineers with information for contact of the responsible person applying for and/or receiving a Shoreline Management permit. The description of the activity is needed to assure conditions of the permit requirements are met.
ROUTINE USES	The information on this application is used in considering the issuance of shoreline management permits on Corps of Engineers projects. This information is collected and maintained at project offices and is used a basis for issuing permits. It provides auditing information for this program which has financial involvement.
DISCLOSURE	Disclosure of information is voluntary. However, failure to provide the requested information will preclude the issuance of a Shoreline Management permit.

APPENDIX C
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 use 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 to 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 unreasonably 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)

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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 relocate 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 regulations, 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)

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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 manager. (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. (12)

19. On all new docks and mooring buoys, flotation shall be of materials which will not become waterlogged (not over 1-1/2 percent by volume ASTM), is resistant to damage by animals, and will not sink or contaminate the water if punctured. No metal covered or injected drum flotation will be allowed. Foam bead flotation that is not subject to deterioration through loss of beads, meets the above criteria, and has a minimum density of 1.2 lb/cu ft is authorized. Foam bead flotation with a density of 1.0 lb/cu ft, but does not otherwise meet the above criteria is authorized provided it is encased in an approved protective coating which enables it to meet the specification above. An approved coating is defined as warranted by the manufacturer for a period of at least eight years against cracking, peeling, sloughing and deterioration from ultra violet rays, while retaining its resiliency against ice and bumps by watercraft. Existing flotation will be authorized until it has severely deteriorated and is no longer serviceable or capable of supporting the structure, at which time it should be replaced with approved flotation. (14)

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20. Floating facilities shall be securely attached to the shore in accordance with the approved plans by means of moorings 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. (25)

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 D

SHORELINE USE PERMIT TAG
(SAMPLE)

Permit 01234
Expires 30 Nov. 1987

This Permit is Non-Transferrable
and May be Revoked at Any Time



US Army Corps
of Engineers

FOR ILLUSTRATION PURPOSES ONLY

NOTE: Facilities and/or activities permitted under special conditions, such as grandfathered docks, will be identified with a permit tag with a green background. All other permit tags will have a white background.

APPENDIX E

Community Dock Forms (Sample)

COMMUNITY DOCK OWNERS ASSOCIATION AGREEMENT

I, the undersigned, certify that I am an owner of a boat stall or stalls, in the _____ Community Dock and agree to the following statements and conditions:

1. I agree that by unanimous vote _____ has been elected a representative of the owners and as such is listed as the permittee. The permittee is responsible for maintaining the dock in accordance with the rules and regulations of the Corps of Engineers and will continue as such until replaced by a majority vote of the owners.
2. I agree that the amount and type of insurance to be carried on said dock shall be determined by majority vote of the dock owners, and the cost thereof stated.
3. I agree that all approved new additions shall conform in design and construction to the existing dock and shall be painted the same color.
4. I agree that in the event approval is granted to attach one or more stalls to the dock, for each stall attached the new owner shall compensate the Owners Association in the amount of \$ _____ for their proportionate share of such items as staffarms, cable and anchors, walkways, and electrical service.
5. I agree that I own no other boat slips in any other dock.
6. I agree that a family will be limited to two (2) single slips and mooring of (2) boats in a community dock.
7. I agree that all boats will be moored inside a slip.
8. I agree to provide written notification to the Resident Engineer/Manager at _____ Lake and the respective County of any change in ownership of dock slips.
9. I agree not to rent or lease any boat slips.
10. I agree that prior to a change of the permittee a request must be submitted with signatures of the majority of stall owners and a completed application for a Shoreline Use Permit.
11. I agree to be responsible for a percentage of the expenses of the maintenance and general upkeep of this dock.

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In signing this agreement, I also agree to abide by all rules and regulations pertaining to private floating facilities as provided by the U.S. Army Corps of Engineers. I have completed all the necessary forms and read the "Shoreline Use Permit Conditions." I attest that all owner information provided to the Corps of Engineers is factual and bonafide and that any misrepresentation to obtain a permit will result in termination or disqualification of the permit application.

Signed and dated this _____ day of _____, 19 ____

State of _____)
County of _____)

On this _____ day of _____, 19____
_____ to be known to be the person or persons
described in and who executed the foregoing instrument, and
acknowledged that _____ executed the same as their free act
and deed.

In TESTIMONY WHEREOF, I have hereto set my hand and affixed my
official seal in the County and State aforementioned, the day and
year first above written.

My term expires _____, 19 ____ .

Notary Public

Reverse of Association Agreement

CONTRACT FOR SALE OF STALL(S)
IN COMMUNITY BOAT DOCKS

This contract, made and entered into this _____ day
of _____, 19 _____, by and between _____
_____ the seller, and _____

_____, the Buyer. The terms Seller and
Buyer may be either singular or plural according to whichever is
evidenced by the signatures below.

WITNESSED: For and in consideration of the mutual obligations of
the parties hereto, the Seller hereby agrees to sell and convey
unto the Buyer and the Buyer agrees to purchase from Seller, upon
the terms and conditions hereinafter set forth, the following *
described property to be situated in the County of _____
State of _____, to Wit:

*Description must include:

- 1) exact number of slips purchased
- 2) assigned stall(s) numbers as indicated on attached dock layout drawing
- 3) stall dimensions (length and width)
- 4) appropriate share and description of common facilities such as electricity, anchorage, sun deck, etc.

The price for said property shall be \$ _____

This contract is given subject to the Buyers ability to obtain a
U.S. Army Corps of Engineers approval on the construction and
location of the above community dock.

BUYER _____ DATE _____ TIME _____

BUYER _____ DATE _____ TIME _____

SELLER _____ DATE _____ TIME _____

SELLER _____ DATE _____ TIME _____

NOTE: In order to meet U.S. Army Corps of Engineers approval
this document must be fully executed between the stall buyer and
the prime contractor who will construct and deliver the facility.

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STATE OF _____
COUNTY OF _____ on this _____ day of _____, 19__
before me, _____, a Notary Public, personally
appeared _____ and _____
his wife, to me known to be the persons described in and who
executed the foregoing instrument, and acknowledged that they
executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my
official seal at my office in _____ the
day and year last above written.

My term expires _____, 19__
_____ Notary Public in and for said County and
State.

STATE OF _____ IN THE RECORDERS OFFICE
COUNTY OF _____

I, _____ Recorder of said
County, do hereby certify that the within instrument of writing
was at _____ o' clock and _____ minutes _____ M., on the _____
day of _____ A.D., 19__, duly filed for record in
my office, and is recorded in the records of this office, in
book _____, at page _____.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal at _____ this _____
day of _____ A.D., 19__

_____ Recorder

Reverse of Contract for Sale of Stall(s)

APPENDIX F

Electrical Certification Form
(Sample)

CERTIFICATE OF ELECTRICAL INSPECTION

This is to certify that the electrical facilities on and in conjunction with dock number _____ on _____ Lake were inspected on this _____ day of _____, 19____, and to the best of my knowledge, they appear to be in compliance with the requirements of the National Electrical Code. This inspection is solely for the use of the Little Rock District, Corps of Engineers, P.O. Box 867, Little Rock, Arkansas, 72203-0867.

This inspection is not applicable to any electrical changes (additions or deletions) to the above facilities after the date of this inspection.

COMMENTS: _____

Name of Electrician
or Electrical
Contractor (Print)

Inspector's Name
(Print)

Telephone Number
(Print)

Inspector's License
Number

Inspector's Signature

APPENDIX G

MINIMUM CONSTRUCTION AND MAINTENANCE REQUIREMENTS
FOR PRIVATE FLOATING FACILITIES

1. General. This appendix is designed to assist the applicant and dock permittee in constructing a safe, well maintained private dock on projects within the Little Rock District.

2. General Requirements:

a. The mooring location for the dock must be approved by the Resident Engineer/Manager prior to construction of the dock. Each applicant must furnish two sets of plans for the dock, drawn to an appropriate scale, for review and approval by the Resident Engineer/Manager prior to starting construction of the dock.

b. The facility will be subject to periodic inspection by Corps personnel during construction and/or assembly. No deviation or changes from approved plans will be permitted without prior written approval of Corps personnel. Upon completion, all docks placed or operated on the project are subject to periodic inspection by the Resident Engineer/Manager or his authorized representative. If the inspection reveals conditions which make the dock unsafe from a safety, navigation, or other standpoint, such conditions must be corrected within the time period specified by the Resident Engineer/Manager.

c. Additional requirements may be specified on the (Eng Form 4264-R) and/or in the shoreline management plan for the project.

3. Design Criteria.

a. Design Loads (Minimum) :

- | | |
|--|-----------|
| (1) Deck loads and walkways (substructure) | 30#/sq ft |
| (2) Windloads (sub- and superstructures) | 20#/sq ft |
| (3) Roof loads (superstructures) | 10#/sq ft |

b. Wood Construction: Wood materials will be of good quality, suitable for the intended purpose. All connections will be secured to resist movement that would tend to dismantle the structural connections. Treated lumber will be used in the substructure, decking and walkways. "Penta" or "creosote"

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treated lumber may not be used in Missouri waters due to the toxicity of the material and regulations by the State. Wood material in the superstructure does not have to be treated, but the exposed exterior will be painted with two coats of exterior grade paint.

(1) Wooden floor joists and flotation frames shall be not less than 2" x 8" spaced 24" center to center, maximum.

(2) Wood columns may be 4" x 4" and/or double 2" x 4" spaced not more than 4' -0" center to center or single 2" x 4", spaced not more than 2' -0" center to center. Where the roof structure has adequate bracing, the 4" x 4" vertical supports may be spaced up to 8' -0" on centers. Columns will be spaced symmetrically on each side of walkways. Wood columns will be bolted through the 4" dimension to 2" x 8" stringers or flotation frames.

(3) Wooden walkways and decking shall be not less than 1" rough, 2" x 6" S4S, 3/4" exterior plywood, or other material capable of supporting the minimum design load of 30#/sq. ft.

(4) Wood roof joists or rafters shall be 2" x 6" spaced not more than 2' -0" center to center. Consideration will be given to a 4' -0" spacing where there are sufficient vertical supports and bracing. Purlin shall be 2" x 4" spaced not more than 30" center to center.

(5) Wood roof decking may consist of 1" nominal tongue and groove, shiplap or 1/2" plywood sheathing covered with 90-pound asphalt roll roofing or asphalt shingles. When asphalt shingles are used the roof slope must be at least 4 on 12.

c. Metal Construction: New metal on the exposed exterior of the superstructure is desired. Used metal may be authorized if it is in good condition. Either welded or bolted connections may be used.

(1) Metal floor joists and flotation frames shall be not less than 2" ID standard pipe. Framing for pipe construction shall be not less than 1-1/4" ID standard pipe. Studs shall not exceed 48" center to center. Other standard steel or aluminum structural sections may be approved if designed for the minimum design load.

(2) Metal roof joists or rafters shall be 1-1/4" ID standard pipe or larger spaced not more than 2' -0" center to center. Consideration will be given to approving 4' -0" spacing where sufficient vertical supports and bracing are provided. Purlins shall be 1" ID standard pipe or larger spaced not more

than 2' -0" center to center. Other standard steel or aluminum structural sections may be approved if designed for the minimum design loads.

(3) Metal roofs must be a minimum of 28 gauge for steel. Aluminum roofs must have a minimum thickness of 0.032 inches.

d. Bracing. All columns and studwalls will be adequately braced to resist windloadsss. Bracing will be designed and constructed to counteract design loads while allowing sufficient flexibility so wave action will not damage the structural and/or roof system.

e. Flotation. Flotation shall provide for a stabilized and safe structure capable of supporting the minimum design loads. Flotation materials must be securely attached to the dock using galvanized steel straps, treated wood dowels, galvanized bolts or other approved methods. Adequate flotation will be provided to keep all wood and metal portions of the deck and substructure above the water at all times. Flotation that is no longer capable of supporting the design loads shall be replaced with approved flotation. Metal covered or injected drum flotation will not be allowed.

(1) On all new docks and mooring buoys, flotation shall be of materials which will not become waterlogged (not over 1-1/2 percent by volume ASTM), is resistant to damage by animals, and will not sink or contaminate the water if punctured. Foam bead flotation that is not subject to deterioration through loss of beads, meets the above criteria, and has a minimum density of 1.2 lb/cu ft is authorized.

(2) Foam bead flotation with a density of 1.0 lb/cu ft, but does not otherwise meet the above criteria is authorized provided it is encased in an approved protective coating which enables it to meet the specification above. An approved coating is defined as warranted by the manufacturer for a period of at least eight years against cracking, peeling, sloughing and deterioration from ultra violet rays, while retaining its resiliency against ice and bumps by watercraft.

(3) Existing flotation will be authorized until it has severely deteriorated and is no longer serviceable or capable of supporting the structure, at which time it should be replaced with approved flotation.

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f. Roofs. Roofs may be gabled or single-pitched. The roofs must be securely fastened to the superstructure to resist wind uplift.

g. Anchorage. An anchorage system shall provide secure mooring of the structure. Anchorage system utilizing a dead man or ground stakes shall be installed flush with the existing grade. Anchor cables or other securing devices shall be maintained in good repair, and located to minimize obstruction hazards to pedestrians, boaters, and vehicular traffic. Anchor cables will not be attached to trees, stumps, power poles, guardrail posts, etc.

h. Walkways:

(1) Main walkways shall be at least 3 feet in width. The minimum width walkway between slips shall be 3 feet when used as access to boats.

(2) Walkways from shore to dock shall be free from excessive spring, deflection, and lateral movement, and adequately supported with flotation to provide safe access.

(3) Walkways shall be above the water at all times and kept free from materials or obstructions which would render them unsafe to the persons using them. A handrail will be provided on at least on side of the walkway.

(4) The method of permanently attaching the walkway to the dock and anchoring it to the shore will be shown in detail on the dock plans.

i. Handrails:

(1) Handrails will be provided on at least one side of the walkways leading to the dock and perimeter areas of the dock not subjected to frequent loading and unloading of boats.

(2) Handrails shall be approximately 42 inches in height, with a guardrail approximately 22 inches in height below the handrail.

(3) Handrails must be structurally sound, maintained in a state of good repair, and a minimum size of 2" x 4 equivalent strength material. Posts for handrails shall be spaced no more than 8" -0" on centers; minimum post size of 4" x 4" or 2" O.D. standard pipe or equivalent.

j. Stabilized or Underwater Brace. A Stabilized or underwater brace is recommended on the lake side of the dock between walkways.

k. Fire Protection. A fully charged A-B-C dry chemical fire extinguisher or one with a U/L classification of 20B is recommended.

l. Electrical: All electrical work shall meet the requirements of this directive as well as all local and state codes and the National Electrical Code. Particular attention should be given to Article 555 of the National Electrical Code. It is strongly recommended that all electrical work be done by a licensed electrician, engineer or electrical contractor. Where a meter pole is used, its location shall be such that the meter and pole-mounted service equipment are installed a minimum of 3 feet above the reference pool elevation shown in Table 1 of this appendix. In areas where no flood control is provided, the meter and pole-mounted service equipment shall be mounted above the maximum water elevation at which the dock can be safely maintained. A fused disconnect switch shall be provided for de-energizing the feeder cable at its source.

(1) Temporary power service requirements. During the construction or assembly of the dock, 3-wire grounding extension cords may be used to provide temporary electrical service to the dock mooring site. Extension cords will be kept out of reach of pedestrian traffic and they will be removed when not in use or fully supervised by the dock owner/builder. Extension cords may not be used as a source of electricity to complete private floating facilities.

(2) Permanent power service requirements. In the interest of reducing potential safety hazards inherent in supplying power to floating structures, underground installation with a submerged feeder conductors to the dock is encouraged, where practicable. However, overhead feeders may be used if they are properly sized and constructed.

(a) Underground. The feeder conductors shall be designed and installed in accordance with the general requirements indicated in Table 1 of this appendix. The conductors shall be sized for acceptable voltage drop over their entire length at the rating of the dock feeder disconnect equipment. Minimum conductor size shall be No. 6 AWG unless the circuit designer submits appropriate voltage drop calculations which indicate that a smaller size would provide an acceptable voltage level at the dock. Underground feeder conductors shall be of a type suitable for direct burial such as type UF or USE. Other types of cable suitable for underwater use, but unsuitable for direct burial may be used if installed in conduit for the

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underground portion of the run. In areas where excavation for an underground feeder would be through rock or where elevations and slopes of the affected terrain are such as to render excavation extremely difficult, conduit properly attached to the surface and covered with concrete in areas exposed to traffic will be considered. The feeder cables shall contain a separate identified insulated grounding conductor in addition to the grounded neutral conductor. This conductor shall be run from a grounding electrode on shore and terminate at an equipment grounding block in the panelboard, load center or outlet(s) on the dock to provide positive grounding for the wiring system. The submerged loop portion of the feeder cable shall be attached to the dock, on the water side of the structure, with a "Kellems Grip" or other similar approved device which grips the outside jacket of the cable over a length not less than 6 inches and prevents strain from the weight of the cable from being placed on the conductors.

(b) Overhead. The feeder conductors shall be designed and installed in accordance with the general requirements indicated in Table 1 of this appendix. The conductors shall be sized for acceptable voltage drop over their entire length at the rating of the dock feeder disconnect equipment. The feeder shall be No. 6 AWG minimum size unless the circuit designer submits voltage drop and capacity calculations which indicate that a smaller size would provide an acceptable voltage level at the dock. The feeder shall be a multi-conductor neoprene jacketed cable carried on a messenger wire or a messenger-type feeder cable. Minimum voltage rating of the feeder cable shall be 600 volts. The feeder cable shall contain a separate identified insulated grounding conductor in addition to the neutral conductor and messenger wire. This conductor shall be run from a grounding electrode on shore and terminate at an equipment grounding block in the panelboard, load center or outlet(s) on the dock to provide positive grounding for the wiring system. The suspension system must be designed to prevent the occurrence of undue sag and to accommodate slack cable when the dock is moved toward land, to prevent strain on the insulated conductors and to maintain the required clearance over land and water. Overhead feeder cables shall be installed to have minimum clearances of 18 feet in areas where public vehicular travel may occur. In other areas where a sailboat is physically prevented from entering the area, the overhead feeder lines may be installed with a minimum vertical clearance of 12 feet. Erection of barrier floats, warning buoys, signs, or other physical barriers to prevent sailboats from entering areas with overhead powerlines will be allowed with the written approval of the District Commander. The design clearance for feeder lines operating at voltages less than 750 volts and where sailboating

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can reasonably be expected is 55 feet, and 12 feet over walkways on shore and in areas of the lake where sailboats are prevented from entering.

The clearances over the lake are dimensioned above the lake elevation at its flood control level. These levels for the Little Rock District lakes are shown in Table 1 of this appendix.

TABLE 1
FLOOD CONTROL POOL ELEVATIONS

WHITE RIVER SYSTEM

Beaver	1130
Table Rock	931
Bull Shoals	695
Norfolk	580
Greers Ferry	487
Clearwater	567

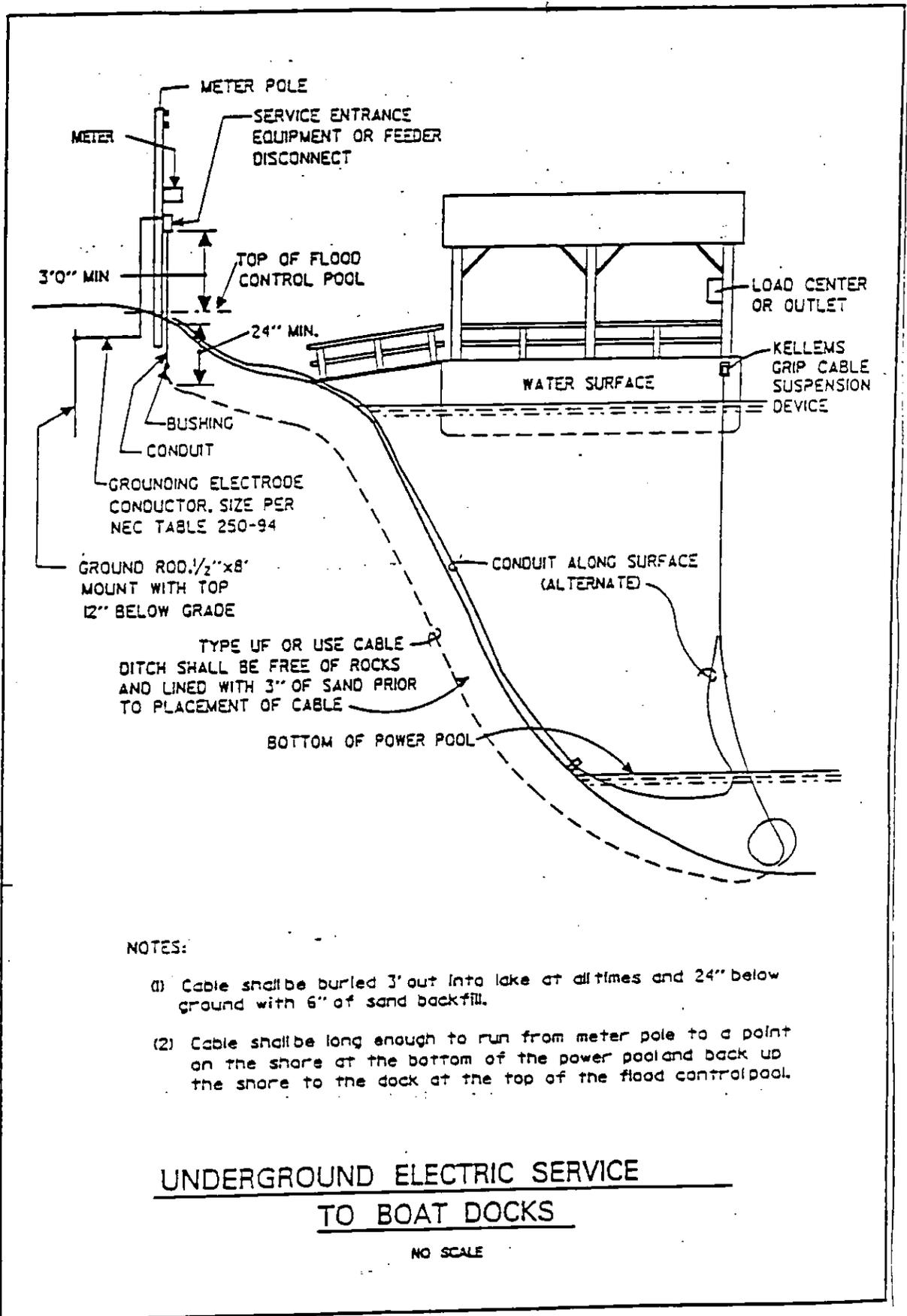
ARKANSAS RIVER SYSTEM

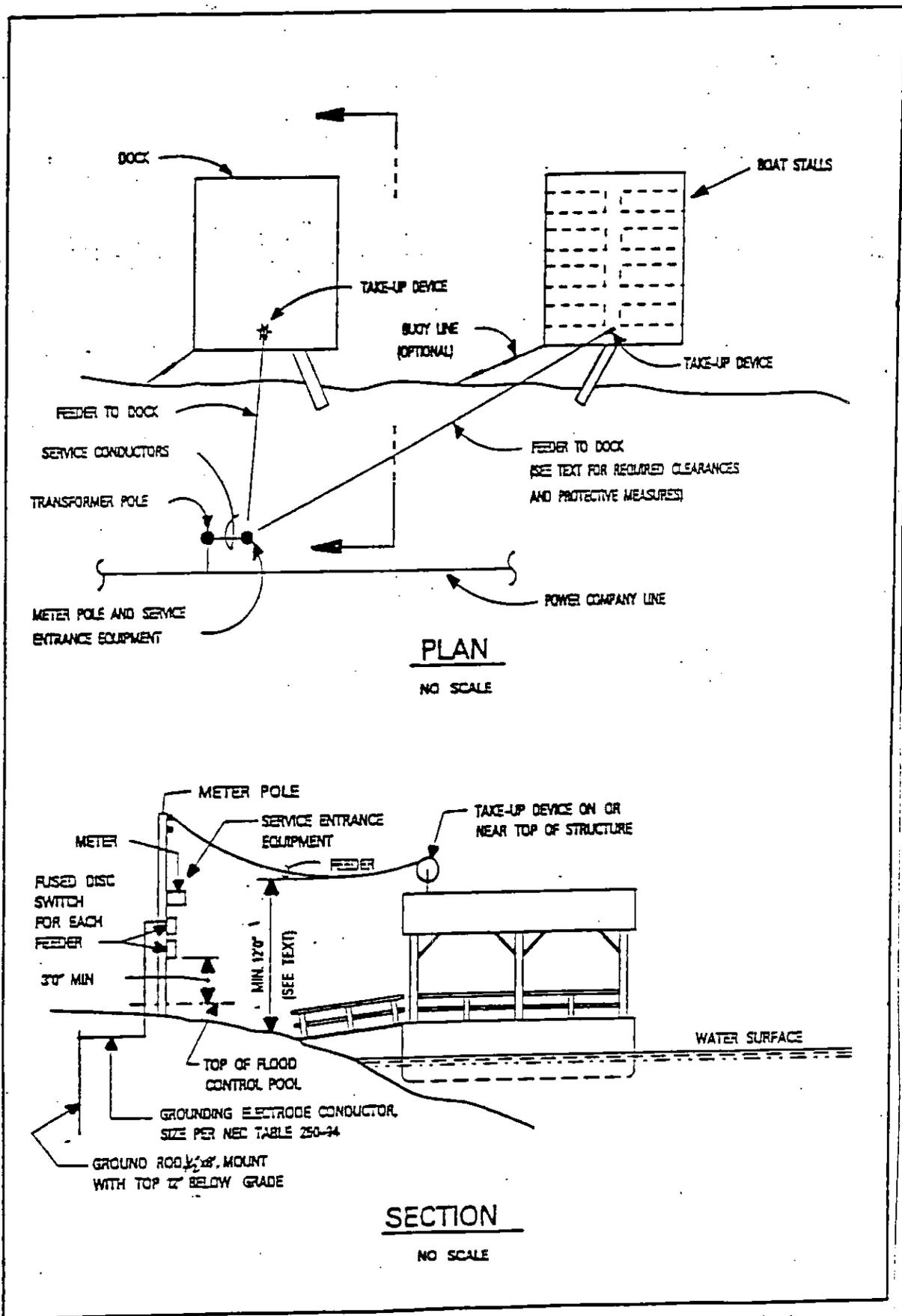
Blue Mountain	419
Nimrod	373
James W. Trimble	392
Ozark	372
Dardanelle	338
Arthur V. Ormond	287
Toad Suck	265
Murray	249
David D. Terry	231
L&D 5	213
L&D 4	196
L&D 3	182
Lock 2 - Wilbur Mills Dam	162

LITTLE RIVER SYSTEM

DeQueen	473.5
Gillham	569
Dierks	557.5
Millwood	287

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IMPLEMENTATION PLAN
FOR THE
TABLE ROCK LAKE PILOT PROJECT
CONCERNING
PLACEMENT OF
REMOTE SERVICE DOCKS
IN MARINA BUFFER AREAS

1. Although the pilot project is currently limited to Table Rock, there may be future application to other projects within the District which administer shoreline management plans. The pilot project will be evaluated on an annual basis by the Chief, Construction-Operations Division with input from the Resident Engineer at Table Rock and from the Chief, Real Estate Division. The evaluation will be made in mid-October of each year. Significant administrative difficulties by one or more of the principals would be grounds for terminating the pilot program at any time within the 3-year trial period. The pilot project will be in effect for a minimum of 3 years before seeking Division approval to implement the plan on a broader scale. At the end of the 3-year period, additional public involvement would also be a part of this process.

2. The zoning allocations underlying the marina buffer designation will remain effective as they pertain to restricted limited development, park buffer, protected shoreline, and prohibited area allocations. This concept is represented schematically in enclosure 1 and pictorially in enclosure 2. In the event the pilot project is terminated:

a. The previous shoreline allocations will be reinstated.

b. Remote mooring facilities in place would be placed in the restricted limited development category and allowed to remain at their present location until expiration of the lease.

3. The purpose of the remote service facility will be boat mooring only. Launching ramps may be furnished if there is a proven need and the ramp will be open to the public without charge. No other commercial activities will be permitted in connection with the dock.

a. The remote service dock within the marina buffer area must be submitted to the Chief of Real Estate, with a copy furnished to the Resident Engineer. Each request for a lease expansion site will be coordinated with the Chief, Construction-Operations Division and if approved, will be added to the lease by a supplemental agreement issued by the Chief, Real Estate Division.

b. Remote lease sites and facilities constructed thereon are available for use by the general public to the same extent as facilities within the prime lease site. Locations approved for the placement of remote docking facilities do not require publicly dedicated road access. However, the concessionaire must provide proof of unrestricted access for marina customers. Convenient access to expansion docks will generally be accomplished by foot traffic; however, consideration will be given to authorizing an access road and parking area on government project at the expansion site, if appropriate.

c. Storage of replacement flotation material, cables and/or boat trailers will not be permitted at the remote site.

d. Rental rates at the remote service facility will not exceed those charged for comparable slips in the prime lease area. All arrangements will be reviewed and the price approved by the Chief, Real Estate Division. Rental payments to the Government will be computed by the Graduated Rental System with the cost of all facilities at the remote site added to the Gross Fixed Assets of the prime lease.

e. The lessee is responsible for obtaining electrical service. The electric company will be granted right-of-entry on Government land by letter permit issued by Real Estate Division. Electrical service should be underground and underwater whenever possible.

4. Individuals desiring a dock to serve their needs within the marina buffer area will proceed through the concessionaire. It is the concessionaires decision whether to provide remote service mooring facilities in conjunction with his operation.

5. Mooring slips in the remote service docks will be available to the general public. Documentation of open public access to each remote service dock will be furnished to the Chief, Real Estate along with the plans, specifications, and proof of insurance for the remote service docks. These items will be submitted for approval in the same manner as a request to expand the facilities in the prime lease area.

6. The remote service facility dock will remain the property and responsibility of the concessionaire. The operation of the remote service facility dock will be subject to the same conditions as the commercial concession lease. This would include, but not be limited to, nondiscrimination provisions, rental payments, safety requirements and rental rates.

7. Placement of a remote service dock within the marina buffer area will not serve as a basis for expanding the marina buffer from that point.

8. Docks leased for the purpose of providing limited motel/resort/campground facilities will be permitted to develop and expand in properly allocated areas within the Marina Buffer Area. These actions will be reviewed and approved in accordance with established procedures as specified in LRDOM 405-1-5.

9. This implementation plan is subject to review by the Office of Counsel to assure compliance with the provisions of the Administrative Procedures Act.

10. Matters not specifically addressed in this implementation plan will be referred to the Chief, Construction-Operations Division for review, coordination, referral or approval as appropriate.

PART 327—RULES AND REGULATIONS GOVERNING PUBLIC USE OF WATER RESOURCE DEVELOPMENT ADMINISTERED BY THE CHIEF OF ENGINEERS

§ 327.30 Shoreline Management on Civil Works Projects.

(a) *Purpose.* The purpose of this regulation is to provide policy and guidance on management of shorelines of Civil Works projects where 38 CFR part 327 is applicable.

(b) *Applicability.* This regulation is applicable to all field operating agencies with Civil Works responsibilities except when such application would result in an impingement upon existing Indian rights.

(c) *References.* (1) Section 4, 1944 Flood Control Act, as amended (16 U.S.C. 460d).

(2) The Rivers and Harbors Act of 1894, as amended and supplemented (33 U.S.C. 1)

(3) Section 10, River and Harbor Act of 1899 (33 U.S.C. 403).

(4) National Historic Preservation Act of 1966 (Pub. L. 89-665; 80 Stat. 915) as amended (16 U.S.C. 470 et seq.).

(5) The National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.).

(6) The Clean Water Act (33 U.S.C. 1344, et seq.).

(7) The Water Resources Development Act of 1986 (Pub. L. 99-862).

(8) Title 38, chapter III, part 327, Code of Federal Regulations, "Rules and Regulations Governing Public Use of Water Resource Development Projects Administered by the Chief of Engineers."

(9) Executive Order 12088 (13 Oct. 78).

(10) 33 CFR 320-330, "Regulatory Programs of the Corps of Engineers."

(11) ER 1130-2-400, "Management of Natural Resources and Outdoor Recreation at Civil Works Water Resource Projects."

(12) EM 385-1-1, "Safety and Health Requirements Manual."

(d) *Policy.* (1) It is the policy of the Chief of Engineers to protect and manage shorelines of all Civil Works water resource development projects under Corps jurisdiction in a manner which will promote the safe and healthful use of these shorelines by the public while maintaining environmental safeguards to ensure a quality resource for use by the public. The objectives of all management actions will be to achieve a balance between permitted private uses and resource protection for general public use. Public pedestrian access to and exit from these shorelines shall be preserved. For projects or portions of projects where Federal real estate interest is limited to easement title only, management actions will be appropriate within the limits of the estate acquired.

(2) Private shoreline uses may be authorized in designated areas consistent with approved use allocations specified in Shoreline Management Plans. Except to honor written commitments made prior to publication of this regulation, private shoreline uses are not allowed on water resource projects where construction was initiated after December 13, 1974, or on water resource projects where no private shoreline uses existed as of that date. Any existing permitted facilities on these projects will be grandfathered until the facilities fail to meet the criteria set forth in § 327.30(h).

(3) A Shoreline Management Plan, as described in § 327.30(e), will be prepared for each Corps project where private shoreline use is allowed. This plan will honor past written commitments. The plan will be reviewed at least once every five years and revised as necessary. Shoreline uses that do not interfere with authorized project purposes, public safety concerns, violate local norms or result in significant environmental effects should be allowed unless the public participation process identifies problems in these areas. If sufficient demand exists, consideration should be given to revising the shoreline allocations (e.g. increases/decreases). Maximum public participation will be encouraged as set forth in § 327.30(e)(6). Except to honor written commitments made prior to the publication of this regulation, shoreline management plans are not required for those projects where construction was initiated after December 13, 1974, or on projects not

having private shoreline use as of that date. In that case, a statement of policy will be developed by the district commander to present the shoreline management policy. This policy statement will be subject to the approval of the division commander. For projects where two or more agencies have jurisdiction, the plan will be cooperatively prepared with the Corps as coordinator.

(4) Where commercial or other public launching and/or moorage facilities are not available within a reasonable distance, group owned mooring facilities may be allowed in Limited Development Areas to limit the proliferation of individual facilities. Generally only one permit will be necessary for a group owned mooring facility with that entity, if incorporated, or with one person from the organization designated as the permittee and responsible for all moorage spaces within the facility. No charge may be made for use of any permitted facility by others nor shall any commercial activity be engaged in thereon.

(5) The issuance of a private shoreline use permit does not convey any real estate or personal property rights or exclusive use rights to the permit holder. The public's right of access and use of the permit area must be maintained and preserved. Owners of permitted facilities may take necessary precautions to protect their property from theft, vandalism or trespass, but may in no way preclude the public right of pedestrian or vessel access to the water surface or public land adjacent to the facility.

(6) Shoreline Use Permits will only be issued to individuals or groups with legal right of access to public lands.

(e) *Shoreline Management Plan—*

(1) *General.* The policies outlined in § 327.30(d) will be implemented through preparation of Shoreline Management Plans, where private shoreline use is allowed.

(2) *Preparation.* A Shoreline Management Plan is prepared as part of the Operational Management Plan. A moratorium on accepting applications for new permits may be placed in effect from the time an announcement of creation of a plan or formal revision of a plan is made until the action is completed.

(3) *Approval.* Approval of Shoreline Management Plans rests with division commanders. After approval, one copy of each project Shoreline Management Plan will be forwarded to HQUSACE (CECW-ON) WASH DC 20314-1000. Copies of the approved plan will also be made available to the public.

(4) *Scope and Format.* The Shoreline Management Plan will consist of a map showing the shoreline allocated to the uses listed in § 327.30(e)(6), related rules and regulations, a discussion of what areas are open or closed to specific activities and facilities, how to apply for permits and other information pertinent to the Corps management of the shoreline. The plan will be prepared in sufficient detail to ensure that it is clear to the public what uses are and are not allowed on the shoreline of the project and why. A process will be developed and presented in the Shoreline Management Plan that prescribes a procedure for review of activities requested but not specifically addressed by the Shoreline Management Plan.

(5) *Shoreline Allocation.* The entire shoreline will be allocated within the classifications below and delineated on a map. Any action, within the context of this rule, which gives a special privilege to an individual or group of individuals on land or water at a Corps project, that precludes use of those lands and waters by the general public, is considered to be private shoreline use. Shoreline allocations cover that land and/or water extending from the edge of the water and waterward with the exception of allocations for the purpose of vegetation modification which extends landward to the project boundary. These allocations should complement, but certainly not contradict, the land classifications in the project master plan. A map of sufficient size and scale to clearly display the shoreline allocations will be conspicuously displayed or readily available for viewing in the project administration office and will serve as the authoritative reference. Reduced or smaller scale maps may be developed for public dissemination but the information contained on these must be identical to that contained on the display map in the project administration office. No changes will be made to these maps except through the formal update process. District commanders may add specific constraints and identify areas having unique characteristics during the plan preparation, review, or updating process in addition to the allocation classifications described below.

(i) *Limited Development Areas.* Limited Development Areas are those areas in which private facilities and/or activities may be allowed consistent with § 327.30(h) and appendix A. Modification of vegetation by individuals may be allowed only following the issuance of a permit in accordance with appendix A. Potential low and high water conditions and

underwater topography should be carefully evaluated before shoreline is allocated as Limited Development Area.

(ii) *Public Recreation Areas.* Public Recreation Areas are those areas designated for commercial concessionaire facilities, Federal, state or other similar public use. No private shoreline use facilities and/or activities will be permitted within or near designated or developed public recreation areas. The term "near" depends on the terrain, road system, and other local conditions, so actual distances must be established on a case by case basis in each project Shoreline Management Plan. No modification of land forms or vegetation by private individuals or groups of individuals is permitted in public recreation areas.

(iii) *Protected Shoreline Areas.* Protected Shoreline Areas are those areas designated to maintain or restore aesthetic, fish and wildlife, cultural, or other environmental values. Shoreline may also be so designated to prevent development in areas that are subject to excessive siltation, erosion, rapid dewatering, or exposure to high wind, wave, or current action and/or in areas in which development would interfere with navigation. No Shoreline Use Permits for floating or fixed recreation facilities will be allowed in protected areas. Some modification of vegetation by private individuals, such as clearing a narrow meandering path to the water, or limited mowing, may be allowed only following the issuance of a permit if the resource manager determines that the activity will not adversely impact the environment or physical characteristics for which the area was designated as protected. In making this determination the effect on water quality will also be considered.

(iv) *Prohibited Access Areas.* Prohibited Access Areas are those in which public access is not allowed or is restricted for health, safety or security reasons. These could include hazardous areas near dams, spillways, hydroelectric power stations, work areas, water intake structures, etc. No shoreline use permits will be issued in Prohibited Access Areas.

(6) *Public Participation.* District commanders will ensure public participation to the maximum practicable extent in Shoreline Management Plan formulation, preparation and subsequent revisions. This may be accomplished by public meetings, group workshops, open houses or other public involvement techniques. When master plan updates and preparation of the Shoreline Management Plans are concurrent, public participation may be combined

and should consider all aspects of both plans, including shoreline allocation classifications. Public participation will begin during the initial formulation stage and must be broad-based to cover all aspects of public interest. The key to successful implementation is an early and continual public relations program. Projects with significant numbers of permits should consider developing computerized programs to facilitate exchange of information with permittees and to improve program efficiency. Special care will be taken to advise citizen and conservation organizations; Federal, state and local natural resource management agencies; Indian Tribes; the media; commercial concessionaires; congressional liaisons; adjacent landowners and other concerned entities during the formulation of Shoreline Management Plans and subsequent revisions. Notices shall be published prior to public meetings to assure maximum public awareness. Public notices shall be issued by the district commander allowing for a minimum of 30 days for receipt of written public comment in regard to the proposed Shoreline Management Plan or any major revision thereto.

(7) *Periodic Review.* Shoreline Management Plans will be reviewed periodically, but no less often than every five years, by the district commander to determine the need for update. If sufficient controversy or demand exists, consideration should be given, consistent with other factors, to a process of reevaluation of the shoreline allocations and the plan. When changes to the Shoreline Management Plan are needed, the plan will be formally updated through the public participation process. Cumulative environmental impacts of permit actions and the possibility of preparing or revising project NEPA documentation will be considered. District commanders may make minor revisions to the Shoreline Management Plan when the revisions are consistent with policy and funds for a complete plan update are not available. The amount and type of public involvement needed for such revision is at the discretion of the district commander.

(f) *Instruments for Shoreline Use.* Instruments used to authorize private shoreline use facilities, activities or development are as follows:

(1) *Shoreline Use Permits.* (i) Shoreline Use Permits are issued and enforced in accordance with provisions of 36 CFR part 327.19.

(ii) Shoreline Use Permits are required for private structures/activities of any kind (except boats) in waters of Civil Works projects whether or not such

waters are deemed navigable and where such waters are under the primary jurisdiction of the Secretary of the Army and under the management of the Corps of Engineers.

(iii) Shoreline Use Permits are required for non-floating structures on waters deemed commercially non-navigable, when such waters are under management of the Corps of Engineers.

(iv) Shoreline Use Permits are also required for land vegetation modification activities which do not involve disruption to land form.

(v) Permits should be issued for a term of five years. To reduce administration costs, one year permits should be issued only when the location or nature of the activity requires annual reissuance.

(vi) Shoreline Use Permits for erosion control may be issued for the life or period of continual ownership of the structure by the permittee and his/her legal spouse.

(2) *Department of the Army Permits.* Dredging, construction of fixed structures, including fills and combination fixed-floating structures and the discharge of dredged or fill material in waters of the United States will be evaluated under authority of section 10, River and Harbor Act of 1899 (33 U.S.C. 403) and section 404 of the Clean Water Act (33 U.S.C. 1344). Permits will be issued where appropriate.

(3) *Real Estate Instruments.* Commercial development activities and activities which involve grading, cuts, fills, or other changes in land form, or establishment of appropriate land-based support facilities required for private floating facilities, will continue to be covered by a lease, license or other legal grant issued through the appropriate real estate element. Shoreline Management Plans should identify the types of activities that require real estate instruments and indicate the general process for obtaining same. Shoreline Use Permits are not required for facilities or activities covered by a real estate instrument.

(g) *Transfer of Permits.* Shoreline Use Permits are non-transferable. They become null and void upon sale or transfer of the permitted facility or the death of the permittee and his/her legal spouse.

(h) *Existing Facilities Now Under Permit.* Implementation of a Shoreline Management Plan shall consider existing permitted facilities and prior written Corps commitments implicit in their issuance. Facilities or activities permitted under special provisions should be identified in a way that will

set them apart from other facilities or activities.

(1) Section 6 of Public Law 97-140 provides that no lawfully installed dock or appurtenant structures shall be required to be removed prior to December 31, 1989, from any Federal water resources reservoir or lake project administered by the Secretary of the Army, acting through the Chief of Engineers, on which it was located on December 29, 1981, if such property is maintained in usable condition, and does not occasion a threat to life or property.

(2) In accordance with section 1134(d) of Public Law 99-662, any houseboat, boathouse, floating cabin or lawfully installed dock or appurtenant structures in place under a valid shoreline use permit as of November 17, 1986, cannot be forced to be removed from any Federal water resources project or lake administered by the Secretary of the Army on or after December 31, 1989, if it meets the three conditions below except where necessary for immediate use for public purposes or higher public use or for a navigation or flood control project.

(i) Such property is maintained in a usable and safe condition.

(ii) Such property does not occasion a threat to life or property, and

(iii) The holder of the permit is in substantial compliance with the existing permit.

(3) All such floating facilities and appurtenances will be formally recognized in an appropriate Shoreline Management Plan. New permits for these permitted facilities will be issued to new owners. If the holder of the permit fails to comply with the terms of the permit, it may be revoked and the holder required to remove the structure, in accordance with the terms of the permit as to notice, time, and appeal.

(i) *Facility Maintenance.* Permitted facilities must be operated, used and maintained by the permittee in a safe, healthful condition at all times. If determined to be unsafe, the resource manager will establish together with the permittee a schedule, based on the seriousness of the safety deficiency, for correcting the deficiency or having it removed, at the permittee's expense. The applicable safety and health prescriptions in EM 385-1-1 should be used as a guide.

(j) *Density of Development.* The density of private floating and fixed recreation facilities will be established in the Shoreline Management Plan for all portions of Limited Development areas consistent with ecological and aesthetic characteristics and prior written commitments. The facility density in Limited Development Areas

should, if feasible, be determined prior to the development of adjacent private property. The density of facilities will not be more than 50 per cent of the Limited Development Area in which they are located. Density will be measured by determining the linear feet of shoreline as compared to the width of the facilities in the water plus associated moorage arrangements which restrict the full unobstructed use of that portion of the shoreline. When a Limited Development Area or a portion of a Limited Development area reaches maximum density, notice should be given to the public and facility owners in that area that no additional facilities will be allowed. In all cases, sufficient open area will be maintained for safe maneuvering of watercraft. Docks should not extend out from the shore more than one-third of the width of a cove at normal recreation or multipurpose pool. In those cases where current density of development exceeds the density level established in the Shoreline Management Plan, the density will be reduced to the prescribed level through attrition.

(k) *Permit Fees.* Fees associated with the Shoreline Use Permits shall be paid prior to issuing the permit in accordance with the provisions of § 327.30(c)(1). The fee schedule will be published separately.

Appendix A to § 327.30—Guidelines for Granting Shoreline Use Permits

I. General

a. Decisions regarding permits for private floating recreation facilities will consider the operating objectives and physical characteristics of each project. In developing Shoreline Management Plans, district commanders will give consideration to the effects of added private boat storage facilities on commercial concessions for that purpose. Consistent with established policies, new commercial concessions may be alternatives to additional limited development shoreline.

b. Permits for individually or group owned shoreline use facilities may be granted only in Limited Development Areas when the sites are not near commercial marine services and such use will not despoil the shoreline nor inhibit public use or enjoyment thereof. The installation and use of such facilities will not be in conflict with the preservation of the natural characteristics of the shoreline nor will they result in significant environmental damage. Charges will be made for Shoreline Use Permits in accordance with the separately published fee schedule.

c. Permits may be granted within Limited Development Areas for ski jumps, floats, boat moorage facilities, duck blinds, and other private floating recreation facilities when they will not create a safety hazard and inhibit public use or enjoyment of project waters or shoreline. A Corps permit is not required for temporary ice fishing shelters or

duck blinds when they are regulated by a state program. When the facility or activity is authorized by a shoreline use permit, a separate real estate instrument is generally not required.

d. Group owned boat mooring facilities may be permitted in Limited Development Areas where practicable (e.g. where physically feasible in terms of access, water depths, wind protection, etc.).

2. Applications for Shoreline Use Permits

a. Applications for private Shoreline Use Permits will be reviewed with full consideration of the policies set forth in this and referenced regulations, and the Shoreline Management Plan. Fees associated with the Shoreline Use Permit shall be paid prior to issuing the permit. Plans and specifications of the proposed facility shall be submitted and approved prior to the start of construction. Submissions should include engineering details, structural design, anchorage method, and construction materials; the type, size, location and ownership of the facility; expected duration of use; and an indication of willingness to abide by the applicable regulations and terms and conditions of the permit. Permit applications shall also identify and locate any land-based support facilities and any specific safety considerations.

b. Permits will be issued by the district commander or his/her authorized representative on ENG Form 4264-R (Application for Shoreline Use Permit) (appendix B). Computer generated forms may be substituted for ENG Form 4264-R provided all information is included. The computer generated form will be designated, "ENG Form 4264-R-E, Oct 87 (Electronic generation approved by USACE, Oct 87)".

c. The following are guides to issuance of Shoreline Use Permits:

(1) Use of boat mooring facilities, including piers and boat (shelters) houses, will be limited to vessel or watercraft mooring and storage of gear essential to vessel or watercraft operation.

(2) Private floating recreation facilities, including boat mooring facilities shall not be constructed or used for human habitation or in a manner which gives the appearance of converting Federal public property on which the facility is located to private, exclusive use. New docks with enclosed sides (i.e. boathouses) are prohibited.

(3) No private floating facility will exceed the minimum size required to moor the owner's boat or boats plus the minimum size required for an enclosed storage locker of oars, life preservers and other items essential to watercraft operation. Specific size limitations may be established in the project Shoreline Management Plan.

(4) All private floating recreation facilities including boat mooring facilities will be constructed in accordance with plans and specifications, approved by the resource manager, or a written certification from a licensed engineer, stating the facility is structurally safe will accompany the initial submission of the plans and specifications.

(5) Procedures regarding permits for individual facilities shall also apply to

permits for non-commercial group mooring facilities.

(6) Facilities attached to the shore shall be securely anchored by means of moorings which do not obstruct the free use of the shoreline, nor damage vegetation or other natural features. Anchoring to vegetation is prohibited.

(7) Electrical service and equipment leading to or on private mooring facilities must not pose a safety hazard nor conflict with other recreational use. Electrical installations must be weatherproof and meet all current applicable electrical codes and regulations. The facility must be equipped with quick disconnect fittings mounted above the flood pool elevation. All electrical installations must conform to the National Electric Code and all state, and local codes and regulations. In those states where electricians are licensed, registered, or otherwise certified, a copy of the electrical certification must be provided to the resource manager before a Shoreline Use Permit can be issued or renewed. The resource manager will require immediate removal or disconnection of any electrical service or equipment that is not certified (if appropriate), does not meet code, or is not safely maintained. All new electrical lines will be installed underground. This will require a separate real estate instrument for the service right-of-way. Existing overhead lines will be allowed, as long as they meet all applicable electrical codes, regulations and above guidelines, to include compatibility and safety related to fluctuating water levels.

(8) Private floating recreation facilities will not be placed so as to interfere with any authorized project purposes, including navigation, or create a safety or health hazard.

(9) The district commander or his/her authorized representative may place special conditions on the permit when deemed necessary.

(10) Vegetation modification, including but not limited to, cutting, pruning, chemical manipulation, removal or seeding by private individuals is allowed only in those areas designated as Limited Development Areas or Protected Shoreline Areas. An existing (as of July 1, 1987) vegetation modification permit, within a shoreline allocation which normally would not allow vegetation modification, should be grandfathered. Permittees will not create the appearance of private ownership of public lands.

(11) The term of a permit for vegetation modification will be for five years. Where possible, such permits will be consolidated with other shoreline management permits into a single permit. The district commander is authorized to issue vegetation modification permits of less than five years for one-time requests or to aid in the consolidation of shoreline management permits.

(12) When issued a permit for vegetative modification, the permittee will delineate the government property line, as surveyed and marked by the government, in a clear but unobtrusive manner approved by the district commander and in accordance with the project Shoreline Management Plan and the conditions of the permit. Other adjoining owners may also delineate the common

boundary subject to these same conditions. This delineation may include, but is not limited to, boundary plantings and fencing. The delineation will be accomplished at no cost to the government.

(13) No permit will be issued for vegetation modification in Protected Shoreline Areas until the environmental impacts of the proposed modification are assessed by the resource manager and it has been determined that no significant adverse impacts will result. The effects of the proposed modification on water quality will also be considered in making this determination.

(14) The original of the completed permit application is to be retained by the permittee. A duplicate will be retained in the resource manager's office.

3. Permit Revocation

Permits may be revoked by the district commander when it is determined that the public interest requires such revocation or when the permittee fails to comply with terms and conditions of the permit, the Shoreline Management Plan, or of this regulation. Permits for duck blinds and ice fishing shelters will be issued to cover a period not to exceed 30 days prior to and 30 days after the season.

4. Removal of Facilities

Facilities not removed when specified in the permit or when requested after termination or revocation of the permit will be treated as unauthorized structures pursuant to 36 CFR part 327.20.

5. Posting of Permit Number

Each district will procure 5" x 8" or larger printed permit tags of light metal or plastic for posting. The permit display tag shall be posted on the facility and/or on the land area covered by the permit, so that it can be visually checked, with ease in accordance with instructions provided by the resource manager. Facilities or activities permitted under special provisions should be identified in a way that will set apart from other facilities or activities.

Appendix B to § 327.30—Application for Shoreline Use Permit (Reserved)

Appendix C to § 327.30—Shoreline Use Permit Conditions

1. This permit is granted solely to the applicant for the purpose described on the attached permit.

2. 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.

3. Ownership, construction, operation, use and maintenance of a permitted facility are subject to the Government's navigation servitude.

4. 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 unreasonably interfere with any authorized project purposes, including navigation in connection with the ownership, construction, operation or maintenance of a permitted facility and/or activity.

5. 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 relocate the permitted facility, without expense to the Government.

6. 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 to private property if a facility is removed for noncompliance with the conditions of the permit.

7. 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.

8. 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 regulations, 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. Facilities granted under this permit will not be leased, rented, sub-let 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.

14. On all new docks and boat mooring buoys, flotation shall be of materials which will not become waterlogged, is not subject to damage by animals, is not subject to deterioration upon contact with petroleum products (gasoline, diesel fuel, oil, or other caustic substances) and will not sink or contaminate the water if punctured. No metal-covered or injected drum flotation will be allowed. Foam bead flotation may be authorized by the district commander if it is encased in a protective coating to prevent deterioration with resultant loss of beads. Existing flotation will be authorized until it has severely deteriorated and is no longer serviceable or capable of supporting the structure, at which time it should be replaced with approved flotation.

15. 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.

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

17. 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 manager.

18. 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.

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

20. 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.

21. 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.

22. Notwithstanding the conditions cited in condition 21 above, if in the opinion of the district commander, emergency circumstances dictate otherwise, the district commander may summarily revoke the permit.

23. 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.

24. 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.

25. 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.

26. 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 use area within 30 days from the date of ownership transfer.

27. 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.

Appendix D to § 327.30—Permit (Reserved)

[FR Doc. 90-17535 Filed 7-26-90; 8:45 am]

TERMINATION OF SHORELINE USE PERMITS

1. Shoreline use permits are issued in accordance with the criteria and guidelines contained in Part 327.30, Title 36 CFR. These permits may be issued by the Resident Engineer, serving as the authorized representative of the District Engineer as provided for in Part 327.1(b) of title 36 CFR. Correspondence pertaining to the maintenance of the facility or compliance with the terms and conditions of the shoreline use permit may be initiated by the Resident Engineer or his authorized representative. This correspondence may state that termination may or will be recommended if the deficiencies are not corrected within a specified period of time. The letter from the Resident Engineer will not specify a permit termination date. ONLY the District Engineer has the authority to revoke the permit for failure to comply with the conditions of the permit or when it is determined that such permit revocation would be in the best public interest.
2. In cases where there is an immediate danger of the facility creating a boating hazard, telephonic communication requesting authority for emergency removal shall be initiated by the Resident Engineer.
3. The Resident Engineer will initiate action to terminate the permit only when he is assured that the permittee has been properly notified of the deficiencies and has been given ample opportunity to take corrective action. The procedures to be followed in cases where the Resident Engineer recommends termination of a shoreline use permit are as follows:
 - a. Furnish to the Chief, Construction-Operations Division, copies of all correspondence that you have had with the permittee whose name (or names) is shown as the applicant on ENG Form 4264, that relate to the permit being terminated. It is important that you include a copy of the permit.
 - b. Furnish a map showing the location of the facility and if applicable an indication of the shoreline management plan designations.
 - c. Furnish a brief summary setting forth the basis for permit revocation including a chronologic listing of letters, visits, or inspections regarding the permitted facility.
 - d. The Resident Engineer will be responsible for scheduling inspections required by this policy and assure timely action on the termination procedures to be completed by the District Engineer.
4. In those cases where termination of the permit and or removal of the facility has been deemed the most appropriate course of action, the District Engineer will give the permittee notice of revocation by certified mail and cite in detail the reasons. The

permittee will have 30 days from the receipt of the letter to request a hearing as provided for in the permit (condition 26).

a. If a hearing is duly requested by the permittee, the District Engineer or his designee will meet with the permittee and a decision based thereon, and signed by the District Engineer, will be furnished in writing to the permittee by certified letter, either modifying the revocation notice or letting it stand. The permittee may within 5 days appeal the decision of the District Engineer to the Division Commander and he shall be advised in the district Engineer's decision letter.

b. If the permittee does not request a hearing or does not appeal a subsequent decision by the District Engineer, the Resident Engineer will make a followup inspection within approximately 15 days. If the unpermitted facility is still on project lands/waters on the site has not been restored, the permittee will be given 30 days to remove the facility from the lake and restore the site to the satisfaction of the Resident Engineer at the expense of the permittee. The compliance letter may be set by the Resident Engineer rather than the District Engineer.

This compliance letter also will warn the permittee that in the event the facility is not removed within the specified time, that: (1) the facility may be impounded or removed by the Government, (2) the owner is responsible for the costs including a reasonable impoundment fee which shall be paid before the impounded property is returned to its owner, and (3) the District Engineer may, by public or private sale or otherwise, dispose of impounded personal property as set forth in title 36 of the code of Federal Regulations for Abandoned Personal Property.

5. The Resident Engineer will make an inspection of the facility within 15 days of the expiration of the above 30 day compliance letter. If the facility has not been removed and the site satisfactorily restored, the Resident Engineer will furnish a report of his findings through the Chief, Construction-Operations Division, and District Counsel to the District Engineer with a recommendation to:

- a. Impound the facility,
- b. Remove the facility and bill the permittee for the expenses involved.
- c. Seek a court order for compliance with the permit.
- d. Other.

6. Enforcement action will be determined by the District Engineer with the advice of District Counsel.

MOORING BUOYS

1. Mooring buoys will be permitted only in areas allocated for limited development in the approved Shoreline Management Plan for the project or in conjunction with commercial boat dock operations. The buoys will be placed so that neither the buoy nor the moored craft will interfere with navigation.
2. The applicants have the responsibility of seeing that their buoys and vessels moored to them are lighted and/or marked in accordance with all applicable U.S. Coast Guard requirements. The Coast Guard requires that power boats under 65 feet and all sailing vessels at anchor must display anchor lights except those under 65 feet in "special anchorage areas." An anchor light is a white light visible to a boat approaching from any direction and is displayed in the forepart of the vessel.
3. Requests for mooring buoys at locations that are not allocated for limited development will be kept on file and considered in the 5-year review of the Shoreline Management Plan.
4. There is no mandatory shape or size specified for mooring buoys. Mooring buoys must have a minimum height of 18 inches above the water.
5. The outer shell of the mooring buoy shall be of a hard, smooth, rustproof material, at least 1/8 inch thick, white in color. The buoy will be filled with materials that will not become waterlogged or sink if punctured. A 3/8 inch metal rod with 1-1/2 inch diameter eyes on each end may be used to attach anchor and rigging lines. All metal parts, with the exception of the anchor line, will be hot-dipped galvanized or stainless steel.
6. All mooring buoys will be marked with a minimum 3 inch wide band of blue reflective plastic sheeting. The top of the band will be placed 4 inches below the top of the buoy and parallel to the water when the buoy is floating upright.
7. The anchor will be adequate to hold the mooring buoy and vessel within a 100 foot radius of the authorized mooring area in a 50 mph wind. The anchor line will be a minimum of a 3/8 inch steel cable, 5/16 inch chain, or equivalent. All rigging shall be equivalent to 3/8 inch iron rod. All mooring lines will have a tensile strength of at least 2,000 pounds.

TRAMWAYS

1. Tramways will be constructed only in areas allocated for limited development in the approved Shoreline Management Plan for the project.
2. The design and plans for the proposed tramway should be prepared by a competent person, preferably an engineer, to minimize the chances of accidents resulting from design deficiencies. The design and construction of tramways used for the transportation of individuals will include a fail safe braking system. No structures will be authorized that will restrict public use of shoreline. All structures will follow the natural contour of the ground. Cuts, fills, or trestles that cannot be stepped over will not be permitted. Tramways will not be permitted in areas of known or potential archeological significance or at sites where natural rock out croppings or other geological formations would have to be removed or significantly altered.
3. The tracks and crossties should be constructed with materials that will blend with the natural terrain (i.e., creosote-treated crossties, unpainted rails, and natural color timbers). The main electrical shutoff for the system will be located above the navigation pool elevation. The right-of-way width will generally not exceed 10 feet. The layout of the tramway will provide for retention of existing vegetation or planting of vegetation and cover to conceal the tramway from view by those on the lake. Trees larger than 4 inches in diameter will not be cut. Immediate restitution is essential if there has been excessive cutting of vegetation as a result of the tramway construction. This restitution can be accomplished by planting trees or other landscaping methods that will effectively compensate the Government for damages suffered.
4. The right-of-way for the construction of tramways may be authorized by an outgrant with a term not to exceed 5 years. The outgrant only authorized construction of the tramway and the right to maintain the facility on Government property.
5. Requests for tramways at locations that are not allocated for limited development will be kept on file and considered in the 5-year review of the Shoreline Management Plan.

GENERAL TRAMWAY DESIGN REQUIREMENTS
FOR TABLE ROCK LAKE

A. GENERAL

1. Tramway must extend above Government boundary line and to private property.
2. Electrical controls must be located above Elevation 936' m.s.l.
3. Tramway must be constructed adjacent to and in front of owner's property.
4. Dimensions and details of tramway, trolley, and winch must be given.

B. TRACK

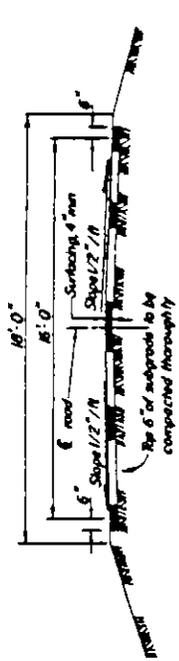
1. Spacing for concrete pedestal or supports - maximum 5 feet.
2. Rails permanently attached and anchored (welded, bolted, etc.).
3. All exposed metal will be coated with two coats of rust inhibitor-type paint. (Color to blend with ground and shoreline.)
4. Rails must follow as close as possible to contour of ground.
5. Track will be constructed with metal rails, metal pipe, or angle iron.
6. Maximum distance between rails - 4 feet.

C. WINCH

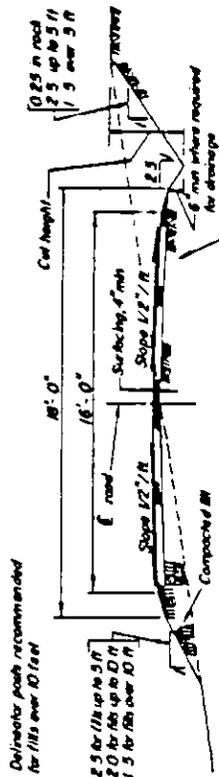
1. Winch must be bolted to a platform anchored to land end of rails.
2. Winch will be powered by electrical reversible motor of sufficient horsepower to do the job adequately.
3. Minimum of 1/4 inch cable shall be used on winch.

D. TROLLEY

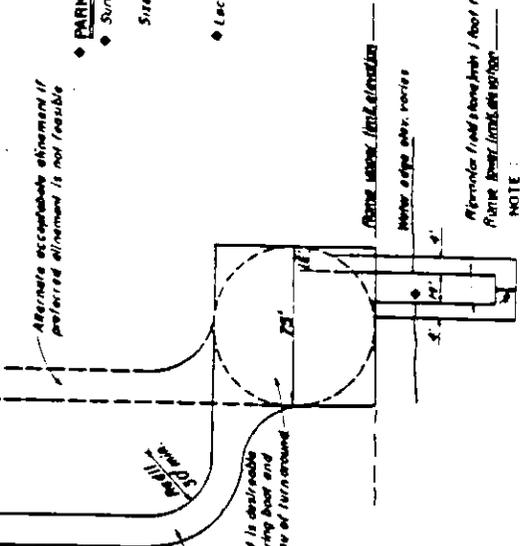
1. Frame shall be of metal construction with wide track and wheels of 8 inch minimum diameter.
2. All exposed surfaces (including wood which is pressure treated) shall be painted with two coats of an approved type paint.



TRENCH TYPE SECTION



BLANKET TYPE SECTION



BOAT LAUNCHING RAMP AND PARKING AREAS

NOTE
Plan must extend to public road

PARKING AREA NOTES

- Surfacing: Option of rigid pavement or 4" thick crushed stone or gravel
- Size: Car trailer spaces to be 10' wide by 40' long for 90° head in parking area; 35' from edge of drive for 45° parking (use minimum 25' driveway or access lanes); Car parking spaces shall be 10' wide by 20' long with 20' wide driveway
- Location: The parking area shall be located as directed by the Resident Engineer. Where practical, it should be located on private or assessment land where it is screened from boaters on the lake

SUBMISSION OF CONSTRUCTION PLANS

- Construction plans must be submitted to the Resident Engineer approved prior to the start of any construction. The plan should include at least the following:
1. A plan layout of the facility of a scale not smaller than 1" = 20' feet
 2. The type of surfacing that will be provided
 3. Elevation of both the upper and lower ends of the launching ramp
 4. Location of the tie to existing public road
 5. Limits of requested easements
 6. Limits of private ownership
 7. Statement that road, parking area and ramp will be open in perpetuity for free public access
 8. Proposed methods of erosion control. Natural ground should be preserved to the maximum extent possible. Slopes, swales, and other erodible areas should be seeded, mulched, and sodded as necessary
 9. The access road alignment must avoid a straight line approach to the ramp for safety

BOAT LAUNCHING RAMP NOTES

- Vertical limits
- a. Flood control and multiple purpose reservoirs
 - b. Navigation reservoirs
 - c. Lower limits
 - d. Flood control reservoirs
 - e. Multiple purpose reservoirs
 - f. Navigation reservoirs
- Ramp width: 12 min. 18 max. 24 min. 28 max. (1) 4" thick covered rebar concrete or (2) Non slip steel prefab mat

ROADS

- Maximum grade (percent): 16
- Width of surface (feet): 16
- Type of surfacing: 4" thick crushed stone, gravel or rock macadam. Minimum depth of 5.00 ft. may be used for paved surface course or rigid pavement.

BRIDGES AND CULVERTS

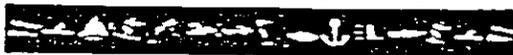
- Culverts - clear subgrade width (feet): 16
- Bridges - clear roadway width (feet): 18 (12' wide one way bridge acceptable when a adequately marked)

DEPARTMENT OF THE ARMY
LITTLE ROCK DISTRICT, OFFICE OF ENGINEERS
LITTLE ROCK, ARKANSAS

RECOMMENDED MINIMUM DESIGN STANDARDS FOR ROADS, PARKING, AND BOAT RAMP'S CONSTRUCTED ON GOVERNMENT LAND FOR ACCESS TO WATER

DATE: APRIL 1988
DRAWN BY: [Signature]
CHECKED BY: [Signature]
SCALE: AS SHOWN

69577-1A/140
SMALL 11



APPLICATION FOR BUOYS FOR THE WATERS OF THE STATE OF MISSOURI

DATE _____

NAME OF APPLICANT(S) _____ PHONE NO. _____

ADDRESS _____ ZIP _____

GIVE MILE MARKER _____ GIVE NAME OF COVE OR ARM _____

NAME OF RESORT OR SUBDIVISION _____ NAME OF LAKE OR RIVER _____

NAME OF COUNTY BUOYS ARE TO BE PLACED IN _____

Anyone requesting buoys must purchase and maintain the buoys, at all times and at the applicants expense and replace if necessary. If the buoys are not maintained in a good state of repair the said buoy approval will be lifted and all buoys removed by the applicant.

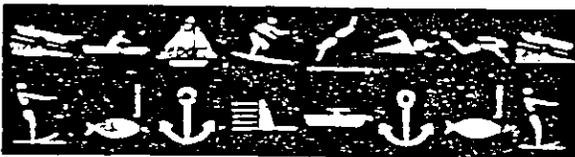
THE APPLICANT MUST COMPLY WITH THE UNIFORM STATE MARKER SYSTEM!

The application must be filled out in detail, if not the application will be returned to the applicant for additional information.

NECESSARY INFORMATION FROM APPLICANT

1. Make a drawing of the cove and shore line. (Use back)
2. Place docks on the drawing at their location and show any existing buoys in the area.
3. Give distance between docks and distance docks extended from the shore line.
4. Show placement where buoys will be anchored.
5. State type of buoy being requested.
6. Give length of cove. _____
7. Give width of cove. _____
8. Give depth of water. _____
9. Give quarter of Section, Section, Township and Range Numbers. _____
10. Give explanation for requesting buoys, in detail. _____

Signature of Applicant _____



AIDS TO NAVIGATION AND REGULATORY MARKERS

- a) The Missouri State Water Patrol after a public hearing pursuant to notice thereof published not less than ten days prior thereto in each county to be affected may provide for the uniform marking of the water areas in this state through the placement of aids of navigation and regulatory markers. The Patrol shall establish a marking system compatible with the the system of aids to navigation prescribed by the United States Coast Guard. No city, county, or person shall mark or obstruct the water of this state in any manner so as to endanger the operation of watercraft or conflict with the marking system prescribed by the Patrol.
- b) The operation of any watercraft within prohibited areas that are marked shall be prima facie evidence of negligent operation.
- c) It shall be unlawful for any person to operate a watercraft on the waters of this state in a manner other than that prescribed or permitted by regulatory markers.
- d) No person shall moor or fasten a watercraft to or willfully damage, tamper, remove, obstruct, or interfere with any aid to navigation or regulatory marker.

NOTICE: Applications must include written approval of all affected property owners before it will be considered.

REGULATORY BUOYS AND AIDS TO NAVIGATION:

- a) Shaded area of buoys will be international orange or blue as indicated below.
- b) All lettering will be black with block characters.



INFORMATION BUOY: Gives boater information such as public facilities.



CONTROLLED AREA: Restricts operation of vessel within the area. Operator of boat must proceed at idle speed, or as otherwise indicated on said buoy.



DANGER BUOY: Marks underwater obstruction; submerged island, rocks, reefs or a shoal. Stay clear of these hazards.



BOATS KEEP OUT: No boat shall enter this designated area.



SWIM AREA: Boats shall not enter this area. Barrier floats shall be evenly spaced between buoys.



ANCHOR OR MOORING BUOY: Prevents vessel from drifting.

SCHEDULE OF SHORELINE USE FEES

<u>TYPE OF SHORELINE USE PERMIT</u>	<u>APPLICABLE FEES</u>
<u>WATER BASE PERMITS</u>	
Private Floating Facility	\$10.00 administration charge \$5.00 annual inspection fee
Community Floating Facility	\$10.00 administration charge \$5.00 annual inspection fee
Mooring Buoy	\$10.00 administration charge \$5.00 annual inspection fee
Ski Jump*	\$10.00 administration charge \$5.00 annual inspection fee
Ski Course*	\$10.00 administration charge \$5.00 annual inspection fee
Swim Float	\$10.00 administration charge \$5.00 annual inspection fee
Duck Blind**	\$10.00 administration charge

*Term of permit will be a maximum of 1 year.

**Term of permit will correspond with the closing for the waterfowl hunting season.

LAND BASE PERMITS

Underbrushing	\$10.00 administration fee
Plant/Landscaping	\$10.00 administration fee
Erosion Control	\$10.00 administration fee
Mowing	\$10.00 administration fee
Foot Path	\$10.00 administration fee

NOTE: Land base shoreline use permits are issued for a term of 5 years.