

Regulation
No. 1130-2-57

13 May 2008

Project Operations
COMMERCIAL ZONE AT MARINA CONCESSION SITES

1. Purpose: This memorandum provides for the establishment of a commercial zone at marina concession sites and at Table Rock Lake's Remote Service Docks in the interest of public safety and for the protection of concessionaire and customer property. This includes the process for permitting commercial concessionaire authority to place signs to restrict all but commercial activity within this zone.
2. Applicability: This memorandum applies to all lake projects in the Little Rock District upon which commercial marinas have been authorized.
3. References:
 - a. Part 327.8, Title 36, Code of Federal Regulations.
 - b. ER 405-1-12, Real Estate Handbook, Chapter 8, Appendix B, 20 November 1985.
 - c. EP 310-1-6A, Sign Standards Manual, Vol 1, chg 1, 1 April 1985.
 - d. ER 1130-2-550, Recreation Operations and Maintenance Policies, dated 15 November 1996
4. Objective: Clear guidance provided by this policy will result in elevated district and project employee confidence regarding the establishment and management of commercial zones within marina concessions. In addition, this policy, applied consistently, will generate improved relations between district marina owners and the public. To further clarify the intention of this policy and to provide for consistent application, an implementation plan is included as Appendix A.
5. Definition: Commercial Zone is defined as a designated area where only commercial activities are authorized. Recreational activities such as fishing, swimming, and diving are prohibited from public use including marina customers and patrons. No fishing tackle may be cast into this area. Commercial activity is typically the procurement of materials, supplies and services from the marina concessionaire. The commercial zone will include fuel and store docks, restaurant docks, and boat storage docks.

6. Policy.

(a) Recreational opportunity on public waters is guaranteed, but it is subject to both state and federal rules and regulations governing access to some places to prevent conflict and provide for the most appropriate activity. Conditions contained in current commercial concession leases state that "No attempt shall be made by the lessee to forbid the full and free use by the public of the water areas of the project". Concessionaires cannot, on their own initiative, post signs to establish a commercial zone. Permission for the establishment of a commercial zone and sign placement must be requested by the concessionaire after documented evidence that the need exists and that the safety and protection of the public is at risk. No authorization for sign placement and the establishment of a commercial zone in a leased area may be granted without written authority from Chief, Real Estate Branch. All signs will be consistent with the US Army Corps of Engineers Sign Standards.

(b) An agreement was reached in a meeting with representatives of state agencies and the US Army Corps of Engineers that would permit marina concessionaires to restrict activities to their patrons only by posting restriction signs. The restrictions would apply within 50 feet of store/gas docks, restaurants docks, and boat storage docks. The restricted areas would be identified by the posting of standard Corps signs. The first sign message is for placement on docks with an alternate message for placement of breakwaters and at buoy lines where appropriate.

"Restricted – Marina Customers only within 50 feet from this dock".

"Restricted – Marina Customers only beyond this sign".

(c) Commercial zone restrictions will be enforced by US Army Corps of Engineers Park Rangers under authority granted in Title 36, Part 327.12, Restrictions, or appropriate state or local law enforcement agency. Special Event Permits issued by the Operations Project Manager will include language advising the permittee of the restrictions contained in this policy

(d) Additional individual restrictions such as clearly defining navigation channels for ingress and egress from the main channel may be described in writing and illustrated on a marina dock plan drawing. The concessionaire must submit a written request to the Operations Project Manager, who will review the request and submit it to Chief, Real Estate Branch for further consideration and to furnish reply to the concessionaire. These requests will be coordinated with the appropriate state management agency for their approval prior to issuing any restriction authority.

APP
APP A – Commercial Zone At
Marina Concession Sites



DONALD E. JACKSON, JR
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Commanding

DISTRIBUTION: A

Appendix A
COMMERCIAL ZONE AT MARINA CONCESSION SITES
Implementation Plan

Commercial Zones

a. Access and the right to pursue recreational activities are guaranteed to the public with the condition that limitations apply to certain places so that conflicts are prevented and a broader range of activities may be permitted. Currently, areas have been designated and recreational activities are restricted at locks, dams, spillways, powerhouses, swimming areas, and water intakes. Each restricted area limits recreational access for the safety and protection of lives and property. Establishing a commercial zone has the same intention.

b. Currently, most marina owners have the authority to post "No Fishing" signs on their docks as provided in their lease agreement. This has resulted in an issue focused primarily on fishermen only, when the matter is one necessitating the separation of commercial and recreational activities. The suggestion is made that a clearer message is provided through the use of the term "Commercial Zone", and if these signs are used, the Arkansas Game and Fish Commission will enforce them. Typical trespass, theft and violations of local law are to be reported to the appropriate local law enforcement agency.

c. If a marina owner has the authority to post signs as a condition in their lease agreement, but no signs are present, a courtesy notification is requested to be provided to the Operations Project Manager when "Commercial Zone" signs are placed. All other marina owners must request authority to place signage designating a commercial zone. The request must be written and forwarded to Chief, Real Estate Branch through the Operations Project Manager for consideration. Requests for additional restrictions such as opening ingress and egress lanes, while considered nominal, must be similarly requested using the same process. Authority to place signs conveys no authority to the concessionaire to enforce any provision of this policy. Enforcement will be the responsibility of Corps Park Rangers and local and state law enforcement agencies as stated in their administrative order. However, this is to be a low priority enforcement action.

d. Approved signage in accordance with the Corps Sign Standards Manual will be placed on each dock where restrictions apply. Limits of the commercial zone will be determined from the dock. Casting of fishing tackle by marina patrons or other lake users is prohibited in the commercial zone.

e. Commercial Zone restrictions are not provided for resort leases and private docks.