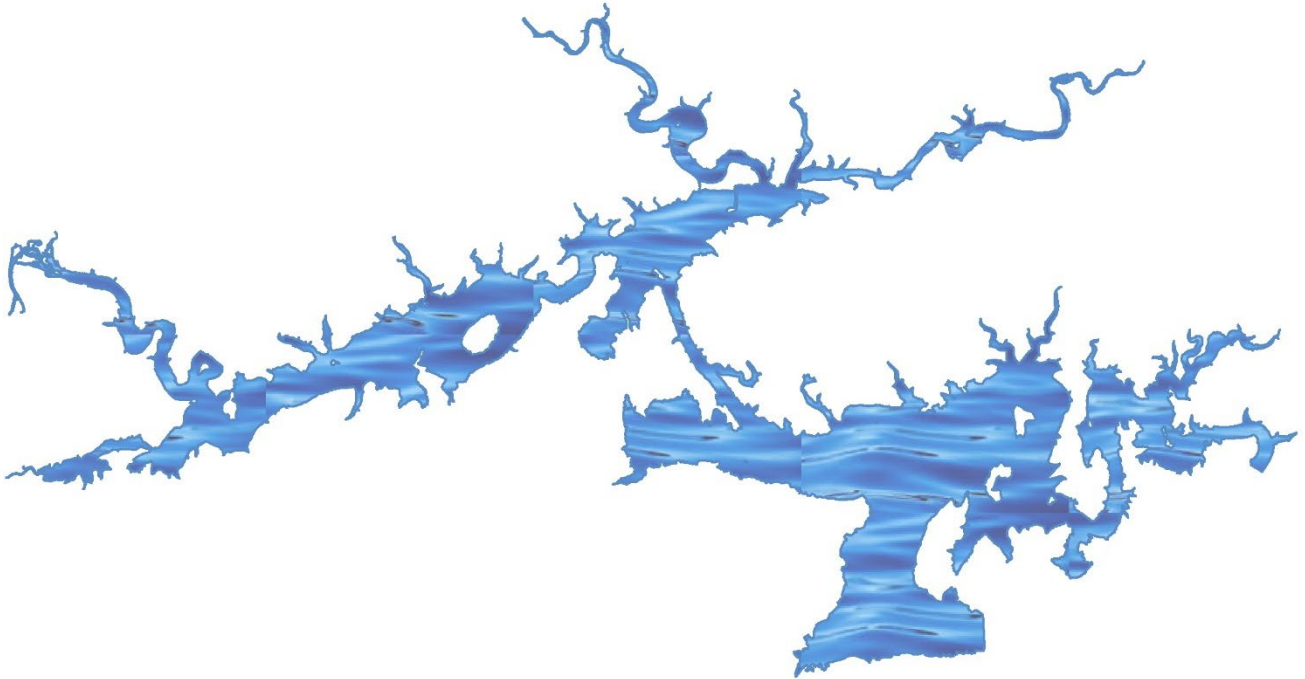


Shoreline Management Plan



**US Army Corps
of Engineers**®
Little Rock District

Greers Ferry Lake

White River and Tributaries,
Arkansas

2020



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SOUTHWESTERN DIVISION
1100 COMMERCE STREET
DALLAS, TX 75242-1317


CESWD-ZA

2 July 2020

MEMORANDUM FOR: Commander, U.S. Army Corps of Engineers (USACE),
Little Rock District (SWF)

SUBJECT: Greers Ferry Lake, Arkansas Shoreline Management Plan Revision (May 2020) Approval and the Environmental Assessment Findings of No Significant Impact (FONSI) Approval

1. I have reviewed and approved the subject Shoreline Management Plan Revision (SMP) in accordance with Engineer Regulation (ER) 1130-2-406, Shoreline Management at Civil Works Projects, originally dated 1974 and subsequently revisions 1976, 1982, 1993, 1994, 1999 and 2004.
2. I have reviewed and approved the FONSI for the Environmental Assessment for the subject Shoreline Management Plan Revision in accordance with the National Environmental Policy Act of 1969.


Christopher G. Beck P.E.
Brigadier General, USA
Commanding

CF:
Chief, Operations, Jackson (CESWL-OD)
Deputy Chief, Operations, Roark (CESWL-OD)
SWD Business Line Manager, White (CESWD-PDO)

**SHORELINE MANAGEMENT PLAN
SUPPLEMENT TO THE
GREERS FERRY LAKE
OPERATIONAL MANAGEMENT PLAN**

**DEPARTMENT OF THE ARMY
LITTLE ROCK DISTRICT CORPS OF ENGINEERS
LITTLE ROCK, ARKANSAS
May 2020**

TABLE OF CONTENTS

Introduction.....	1
Purpose	1
Policy	1
References	1
History and Background	2
Greers Ferry Lake	2
Shoreline Management	3
Description of Shoreline	4
Project Information	4
Present Land Use	5
General Public Use	5
Private Use	5
Boundary Line	5
Major Changes from the Previous Plan	6
Shoreline Allocation.....	7
General	7
Shoreline Allocations	8
Flowage Easements	9
Shoreline Use Permits	9
General Requirements	10
Private Floating Facility Permits (Docks)	11
Single-Owner Docks	13
Multiple-Owner docks	13
Application	14
Dock Access	16
Location and Spacing Requirements	18
Non-Conforming and Grandfathered Facilities	20
Facility Construction Requirements	21
Vegetation Modification Permits	26
Application	27
Vegetation Modification	27
Other shoreline use permits.....	29
Ski Courses	29
Erosion Control	29

Ambulatory Assistance Vehicle Letter of Permission	30
Unauthorized Activities and Violations	31
Placement of Personal Property on Public Lands	31
Shoreline Tie-Up of Vessels	31
Burning	31
Enforcement Standards	32
Facilities Requiring An Outgrant.....	32
Application	33
Electric Lines	34
Roads, Parking Areas, and Boat Launching Ramps	34
Stairs/Steps	35
Special Topics.....	36
Marine Sanitation Devices and Houseboats	36
Limited Motel/Resort Leases	36
No Wake and Other Regulatory Buoys	36
Changes and Revisions	37
Contact Information	37
EXHIBIT A: TITLE 36, PART 327	38
Exhibit B: Example of Permit Sign.....	49
Exhibit C: Shoreline Erosion Control.....	50
Exhibit D: Section 1134 of the Water Resources Development Act of 1986 (P.L. 99-662).....	54

**An Environmental Assessment (EA) has been completed as a companion to this updated shoreline management plan.

INTRODUCTION

PURPOSE

The *Shoreline Management Plan for Greers Ferry Lake* establishes policy and furnishes guidelines for the protection and conservation of the desirable environmental characteristics of the shoreline while maintaining a balance between public and private shoreline uses. The plan also considers means of restoration of the shoreline where degradation has occurred because of private exclusive use. This plan is intended to develop management strategies for the review, approval, and administration of private shoreline uses on Greers Ferry Lake. It is not intended to evaluate or develop management measures for application in the review, approval and administration of public shoreline uses, such as commercial concession leases, limited motel/resort leases, and public utilities, except as specifically stated herein.

POLICY

It is the policy of the Chief of Engineers to protect and manage shorelines of all Civil Works water resource development projects under U.S. Army Corps of Engineers (USACE) 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. Authority for administering this policy is granted under Public Laws 86-717 and 87-874 which charge the Chief of Engineers with the application of good conservation practices which promote recreation and with the operation and maintenance of water resource projects in the public interest.

In this document when the title *Operations Project Manager* is used it is intended to include his or her authorized representatives, except for where specifically excluded.

REFERENCES

This plan will incorporate any future legislation, regulations, policies, etc., pertinent to Corps of Engineers Civil Works projects and/or Greers Ferry Lake. Changes of this type will be considered an administrative change and will be incorporated without additional review.

- Section 4, 1944 Flood Control Act, as amended (16 USC 460d).
- The Rivers and Harbors Act of 1894, as amended and supplemented (33 USC 1).
- Section 10, Rivers and Harbors Act of 1899 (33 USC 403).
- National Historic Preservation Act of 1966 (Public Law 89-665; 80 Stat. 915) as amended (16 USC 470 et seq.).
- The National Environmental Policy Act of 1969 as amended (42 USC 4321, et seq.).
- The Clean Water Act (33 USC 1344 et seq.).
- Title III of Public Law 85-500 (the 1958 River and Harbor Act) is entitled the "Water Supply Act of 1958." This act was amended by Section 10 of Public Law 87-88 and by Section 932 of Public Law 99-662.
- The Water Resources Development Act of 1986 (P.L. 99-662).

- *Title 36, Chapter III, Part 327, Code of Federal Regulations*, “Rules and Regulations Governing Public Use of Water Resources Development Projects Administered by the Chief of Engineers”
- Executive Order 12088 (13 Oct 1978), Federal Compliance with Pollution Control Standards.
- 33 CFR 320-330, “Regulatory Programs of the Corps of Engineers”
- ER 1130-2-540, “Management of Natural Resources and Outdoor Recreation at Water Resource Projects”.
- EM 385-1-1, “Safety and Health Requirements Manual”.
- The Federal Water Pollution Control Act of 1972 (FWPCA).
- ER 1130-2-540, “Historic Preservation Program”.
- Executive Order 11990, “Protection of Wetlands”.
- Endangered Species Act of 1973, as amended.
- Federal Insecticide, Fungicide, and Rodenticide Act of 1972, as amended (P.L. 92 516).
- ER 1130-2-406, Shoreline Management at Civil Works Projects (31 Oct 1990).
- Reservoir/Forest Cover Act of Sept. 6, 1960 (P.L. 86-717).
- ER 405-1-12, Real Estate Handbook, as amended.
- Executive Order 13514, “Federal Leadership in Environmental Energy and Economic Performance”.
- White River Watershed, Greers Ferry Lake, Arkansas. Master Plan for Development and Management of Greers Ferry Lake. (May 2019)

HISTORY AND BACKGROUND

GREERS FERRY LAKE

Greers Ferry Lake is located in the Boston Mountains in north central Arkansas and is comprised of three major tributaries: South Fork, Middle Fork, and Devil’s Fork of the Little Red River. The reservoir collects drainage from 1,146 square miles of area upstream of the dam and appears to be two bodies of water—one lying north of the other and connected at the middle by a quarter mile wide channel called the "Narrows". The surrounding terrain is rocky and rugged with vertical changes in elevation of more than 600 feet. The 306.3 miles of shoreline lie within Cleburne and Van Buren Counties of Arkansas and the perimeter of the lake is almost entirely forested with a cover of mixed shortleaf pine and upland hardwoods.

In 1937, the Chief of Engineers presented a report to Congress providing an overview of flood-control plans for the Ohio and Mississippi Valleys. The report stressed the need for construction of a system of flood control reservoirs in the White River Basin. In reviewing the Chief of Engineers’ report, the House Committee on Flood Control recommended and Congress authorized a comprehensive study of the White River basin.

In 1954, Congress adopted the recommendations from the Chief’s report authorizing the construction of Greers Ferry Lake. The Greers Ferry Lake project was originally authorized as one of the multiple-purpose reservoir projects in the White River Basin for control of floodwaters, generation of hydropower, and other purposes by Section 4 of the Flood Control

Act of 1938 and as amended by the Flood Control Acts of 1941 and 1944. The inclusion of storage in the lake for municipal and industrial water supply was authorized by the Water Supply Act of 1958.

SHORELINE MANAGEMENT

The 2020 *Shoreline Management Plan for Greers Ferry Lake* is the required U.S. Army Corps of Engineers (USACE) approval document (ER 1130-2-406) that protects and manages the shorelines of all Civil Works water resource development projects under USACE 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 *Shoreline Management Plan for Greers Ferry Lake* main objectives are to manage and protect the shoreline; to establish and maintain acceptable fish and wildlife habitat, aesthetic quality, and natural environment conditions; and to promote the safe and healthful use of the lake and shoreline for recreational purposes.

- The original *Shoreline Management Plan for Greers Ferry Lake* (also known as the Lakeshore Management Plan) was approved in 1974.
- This plan was subsequently reviewed, updated with public involvement, and approved by the Division Engineer, Southwestern, in February 1976.
- This plan was reviewed again and updated with additional public involvement in 1982.
- Revision of *Title 36, Chapter III, Part 327, Code of Federal Regulations* (CFR) 327. 30 in 1990 required the Little Rock District to convert its currently approved lakeshore management plans to *Shoreline Management Plans*. The District's draft operating policy for shoreline management was made available for public review and comment in May 1991. This *Shoreline Management Plan for Greers Ferry Lake* became effective on April 16, 1993.
- Following public review of the April 1993 *Shoreline Management Plan for Greers Ferry Lake*, Supplement No. 1 was added and that version of the *Shoreline Management Plan for Greers Ferry Lake* became effective on November 21, 1994.
- The last review of the *Shoreline Management Plan for Greers Ferry Lake* began on January 26, 1999. That plan was approved by the Division Engineer, Southwestern, on March 14, 2000, and at a public workshop held in Heber Springs, Arkansas on March 16, 2000, the District Engineer presented the approved *Shoreline Management Plan for Greers Ferry Lake* to the public. However, an organization known as Save Greers Ferry Lake, Inc., filed suit in federal court claiming that the USACE had failed to comply with the National Environmental Policy Act (NEPA).
- In May 2000, the U.S. District Judge issued a temporary injunction that ruled the associated environmental assessment did not support an overall finding of no significant impact.
- Following the injunction, the USACE withdrew the 2000 *Shoreline Management Plan for Greers Ferry Lake*, reverted to the 1994 *Shoreline Management Plan for Greers Ferry Lake*, and publicly announced that it was going to conduct a full Environmental Impact Statement (EIS) to continue the process.

- The EIS was completed in April 2002. The final selection was a preferred alternative combination that conforms to existing laws and regulations and best balances public uses of shoreline for recreational opportunity, public safety, and environmental protection.
- Along with the completion of the EIS, a 2002 *Shoreline Management Plan for Greers Ferry Lake* was issued.
- A second suit was filed in federal court by Save Greers Ferry Lake, Inc. and Arkansas Nature Alliance. In September 2004 a summary judgment was filed by the United States District Court.
- An updated version of the *Shoreline Management Plan for Greers Ferry Lake* went into effect in December 2004.

The *Shoreline Management Plan for Greers Ferry Lake* will be reviewed at least once every five years, in accordance with regulations in place at the time of the review. Rezoning requests will not be accepted or considered in future reviews.

The Greers Ferry Project Office annually assesses the *Shoreline Management Plan for Greers Ferry Lake* in accordance with the “Annual Assessment of the *Shoreline Management Plans* (SMP) for Little Rock District Lakes”. These assessments may serve as the Five-Year Review/Update providing there are no major issues or changes needed to the plan. The assessment will consider any revision to the Little Rock District’s operating policy on shoreline management, changes in recreational use patterns on the project, amount of available Limited Development Area’s (LDA or LDAs), and other pertinent shoreline factors.

Considering the 2002 EIS (Case No.1 1:02CV00064 WRW, Section V. Conclusion, page 34), the maximum number of docks that will be allowed on Greers Ferry Lake is 506 (Alternative 6 Revised Preferred Alternative Maximum Potential of Docks was 521; USACE was enjoined from issuing permits to 15 docks that did not meet the established criteria, therefore reducing the potential maximum number of docks to 506).

DESCRIPTION OF SHORELINE

PROJECT INFORMATION

The Greers Ferry Lake project on the Little Red River is located about two miles northeast of Heber Springs, Arkansas, about 65 miles northeast of Little Rock, Arkansas, and about 132 miles northwest of Memphis, Tennessee. Construction of Greers Ferry Dam and appurtenant works was initiated in March 1959. The dam was completed in December 1962, and the powerhouse and switchyard were completed in July 1964. The total area contained in the Greers Ferry project, including both land and water surface, consists of 41,194.5 acres and comprises 306.4 miles of shoreline. The lake provides many recreational opportunities, along with fish and wildlife habitat. The Greers Ferry Lake project was originally authorized as one of the multiple-purpose reservoir projects in the White River Basin for control of floodwaters, generation of hydropower, and other purposes by Section 4 of the Flood Control Act of 1938 and as amended by the Flood Control Acts of 1941 and 1944. Greers Ferry Lake is the water supply source for North Central Arkansas. The water supply mission at Greers Ferry Lake was authorized by the

Water Supply Act of 1958. When the lake is at the top of the conservation pool, 462.04 feet above mean sea level (amsl), the water area comprises 31,206.6 surface acres. All measurements have a seasonal conservation pool from 462.54 to 463.04 feet. Elevation for dock spacing and location is based on the 462.0 foot elevation contour. The top of the flood pool is the 487-foot elevation contour.

PRESENT LAND USE

Land classification categories are established in the 2019 *Greers Ferry Lake Master Plan* and provide the basic framework that will guide the development, management, and operation of all resources and facilities. The shoreline adjoining all reservoir lands have been classified into shoreline allocations as described in the Shoreline Allocation Section below. The Shoreline Allocations and permitted activities shall not contradict the 2019 *Greers Ferry Lake Master Plan*. Should there be cases where the 2019 *Greers Ferry Lake Master Plan* conflicts with this *Shoreline Management Plan for Greers Ferry Lake*, the 2019 *Greers Ferry Lake Master Plan* is the overriding document.

GENERAL PUBLIC USE

Greers Ferry Lake provides a wide variety of opportunities for the public to recreate on public lands and waters. Paved access roads wind through 16 public use areas with 1,148 campsites and approximately 27 public boat launching ramps. There are nine commercial concessionaires with 4,061 wet boat slips. Additionally, there are four limited motel/resort leases.

PRIVATE USE

At the time of writing this document, there are over 5,000 privately owned land parcels adjacent to public lands, with approximately 3,000 structures. There are 465 vegetation modification permits and 403 active private floating facility permits (single-owner/multiple-owner docks) with 1,439 boat slips. There are approximately 825 outgrants for private uses on public lands, uses such as steps/stairs, roads, tramways, water lines, and electric service lines to boat docks.

BOUNDARY LINE

The boundary line (Government Fee Take Line, GFTL) at Greers Ferry Lake has been established and marked by the Corps of Engineers or private surveyors under contract with the Corps of Engineers, in accordance with standard survey techniques. The boundary line is generally not located along a specific elevation, and does not form a single contour around the lake, but rather was established by property descriptions. More information on the land acquisition policy for Greers Ferry Lake can be found in the *Greers Ferry Lake Master Plan*. The boundary line was marked with standard brass caps. Replacement monuments may have either a brass or aluminum cap. The year that the monument was set is stamped on the cap along with the monument number. These monuments were witnessed with a steel fence post that was painted white. In open areas where the distance between corners is such that the monuments or pins are not visible, additional Point On Tangent (POT) monuments were installed. These POTs are designated with a letter on the end of the monument number. Additional boundary line posts were installed at some locations to help locate the line. These posts should not be moved or destroyed. Witness posts are used to mark the approximate boundary location but are not

registered, legal survey markers. The brass or aluminum caps designate the boundary. The vandalism, removal, or destruction of survey monuments is a violation of 36 CFR.

If a private need arises for the exact location of the common private/Government property line, the adjacent property owner, at his/her expense, must use a licensed surveyor. The Corps of Engineers will provide information to surveyors or property owners which might assist in the location of boundary lines and property corners. Most of this information is available online and accessible through the Greers Ferry Lake website. This information is indexed by section, township, and range. A copy of this information is kept at the Greers Ferry Lake Project Office and the master records are kept in the Little Rock District Office. Any discrepancies identified by the survey should be resolved with the Operations Project Manager; Chief, Real Estate Division; and the Chief, Survey Section.

MAJOR CHANGES FROM THE PREVIOUS PLAN

The following information is a bulleted list of the **major changes** from the previous plan; it is not meant to be an all-inclusive list of changes from the previous plan. Additional information about this updated plan follows in subsequent sections.

Shoreline Allocations (Zoning)

- All Public Recreation Areas around the lake have been reduced to actual park boundaries, thus allowing the potential for vegetation permits in some areas where previously not allowed.
- Salt Creek and South Fork Parks were changed from Public Recreation Areas to Protected Shoreline Areas.
- Some LDAs have been adjusted to correct map errors.
- Protected Shoreline Areas have increased by 6.3%.

Private Floating Facilities (Docks)

- The density of development (Maximum Density) will not exceed 50 percent of the shoreline allocated for limited development when the lake level is at the 462-foot elevation contour. Maximum density is defined as width of dock plus 50 feet on each side (50 feet includes anchoring and spacing requirements).
- New permits will only be issued to adjoining landowners who meet the access requirements (no easements).
- Permit applicants must own at least 75 feet of common boundary (within LDAs) and must be within 200 feet of the dock walkway to be considered for a dock.
- The property within an LDA (75 feet or more) is only eligible for a maximum of 2 slips regardless of the number of households owning the property.
- Two printed (8 ½" x 11") and one electronic set of engineer stamped plans of the entire facility, including the anchoring system, are required for new and any modifications to existing facilities. In addition to the actual structure, plans must include all amenities, including but not limited to, lockers/storage, Personal Water Craft (PWC) moorage, and solar battery storage.

- No permits will be issued within the Federal/State recommended distance of a known federally threatened or endangered species location and/or habitat.
- Two-thirds of the cove must remain open.
- A dock must be below the owner’s property and no additions will be allowed if property fee line is below 491-foot elevation contour (because an access easement across private property would be required to access the dock during high-water conditions).
- Minimum water depth of 7 feet will be required for new docks, the water depth will be measured 50 feet out horizontally from the 462-foot elevation contour.

Vegetation Modification Permits

- Paths, mowing and/or underbrushing will not be permitted across any natural or manmade breaks in vegetation such as a road, creek, electric distribution line, etc.
- No permits will be issued within the Federal/State recommended distance of a known federally threatened or endangered species location and/or habitat.
- Permittees will be required to place a permit sign along the common boundary line at their expense.
- Invasive Species removal may be authorized. See Section “Invasive Species” under Vegetation Modification heading located in this plan.
- Natural Resources and Wildlife Enhancement activities may be authorized. Information about these activities can be found in the Section “Natural Resources and Wildlife Enhancement” under the Vegetation Modification heading located in this plan.

Other Permits/Outgrants

- Outgrants may be issued for new steps or stairs only in LDAs.
- No easements across private property for individuals will constitute access for any permit on Government property.
- No shoreline-use permits will be issued or modified if located within 30 feet of any public utility easement right-of-way.
- New tramways will not be allowed.
- New ski course permits will not be issued.
- Ambulatory Assistance Vehicle Letters of Permission will generally only be issued to individuals listed on a permit and be required to place 4 inches of mulch on permitted path.

SHORELINE ALLOCATION

GENERAL

In compliance with the Corps of Engineers' shoreline management regulation (36 CFR 327.30 ER 1130-2-406 and other applicable regulations), the Greers Ferry Lake shoreline has been classified into four allocations. These allocations are described below and are in agreement with the *Greers Ferry Lake Master Plan*, at the time of writing this document. These allocations extend from the water's edge to the project boundary for land-based uses and from the shoreline water ward for floating facility considerations. A map of the shoreline allocations, stored in Geographic Information System (GIS) format, is readily available for viewing at the Greers

Ferry Project Office and will serve as the authoritative reference. Reduced or smaller scale maps may be developed for public dissemination. These maps will be for reference only, and will not serve as official authoritative reference. No changes will be made to the shoreline allocation layer except through the formal update process.

SHORELINE ALLOCATIONS

Limited Development Areas (LDA or LDAs) (7.2% of Total Shoreline)

These areas are allocated for private activities, such as vegetative modification, and/or the mooring of privately owned floating facilities following the issuance of a permit in accordance with this *Shoreline Management Plan for Greers Ferry Lake* and current Federal Regulations. There are 22.0 miles of shoreline allocated as LDA. These areas are shown in red on the *Shoreline Management Plan for Greers Ferry Lake* allocation map.

Public Recreation Areas (PRA) (8.6% of Total Shoreline)

Public Recreation Areas were established with the intent of protecting the vista of the park or public use area by prohibiting the construction of private floating facilities and/or the modification of vegetation within the zoned area. Private floating facilities are not permitted within or adjacent to developed or future parks. Individuals or groups are not permitted to make any modifications of the landform or vegetative characteristics of lands under this allocation. These areas were also designated for park operations, such as swim beaches/launch ramps, and for commercial use including marinas/gas docks. Commercial boat docks and concessions are permitted in public recreation areas with a real estate instrument. There are 26.3 miles of shoreline allocated as Public Recreation Areas. These areas are shown in green on the *Shoreline Management Plan for Greers Ferry Lake* allocation map.

Protected Shoreline Areas (PSA) (83.4% of Total Shoreline)

Protected shoreline areas are those areas designated to maintain or restore aesthetic, fish and wildlife, historical, cultural, physical limitations, or other environmental values and includes areas with physical limitations such as bluffs. Other reaches of the shoreline were included under this allocation for physical protection reasons such as heavy siltation, rapid dewatering, erosion or exposure to high wind, wave, and current action. *Shoreline Use Permits* for floating facilities will not be issued in this allocation. Vegetation modification and footpaths may be permitted in these areas, provided the request area is located inside the appropriate Master Plan land classification. Prior to issuance of the *Shoreline Use Permit*, the Operations Project Manager must determine that the requested land use will not adversely impact the environment or physical characteristics of the zoned area prior to issuing the *Shoreline Use Permit*. There are 255.7 miles of shoreline allocated as Protected Shoreline Areas. These areas do not have a designated color on the *Shoreline Management Plan for Greers Ferry Lake* allocation map.

Prohibited Access Areas (PAA) (0.8% of Total Shoreline)

These areas typically include hazardous zones near dams, spillways, hydroelectric power stations, and water intake structures. Public access is not allowed in these areas for health, safety, and security reasons. No *Shoreline Use Permits* will be issued in Prohibited Access Areas. Outgrants for public utilities may be considered in Prohibited Access Areas. There are 2.4 miles of shoreline allocated as Prohibited Access Areas. These areas are shown in blue on the *Shoreline Management Plan for Greers Ferry Lake* allocation map.

FLOWAGE EASEMENTS

There are lands at Greers Ferry Lake where the Corps of Engineers' real estate interest is limited to the right to flood the privately owned property commonly referred to as flowage easements. These easements were acquired for the operation of the Greers Ferry Lake Project. In most instances, easements were acquired above the monumented Government boundary line up to elevation 491-foot with a few locations up to 498-foot elevation contour. The typical flowage easement grants the Government the perpetual right to occasionally overflow the easement area, if necessary, for the operation of the reservoir; and specifically provides that, “No structures for human habitation shall be constructed on the land [...]”; and further provides that, “No other structures of any other type [including fill materials] shall be constructed or maintained on the land except as may be approved in writing by the representative of the United States in charge of the project.” All flowage easement deeds should be checked for exact rights acquired prior to proceeding in any action on the easement.

Under *Title 36, Chapter III, Part 327, Code of Federal Regulations*, the Corps of Engineers has authority over all waters of the reservoir and all facilities thereon, regardless of ownership of the underlying land. Easement lands and other inundated private property are therefore classified into shoreline use allocations similar to fee-owned lands. Adjoining landowners who desire to place private floating facilities on waters over flowage easement lands or inundated private property must obtain a *Shoreline Use Permit* from the Operations Project Manager. There are currently 4,631 deeded acres of land affected by flowage easements.

SHORELINE USE PERMITS

All activities or facilities requiring approval from the Corps of Engineers will be authorized in writing. The type of written authorization issued by the USACE depends on the type of activity or facility. A *Shoreline Use Permit or other authorizing document* is required for private activities and/or facilities on public lands and waters owned by the Corps of Engineers at Greers Ferry Lake. *Shoreline Use Permits* are issued for private floating facilities, vegetation modification and certain other activities. These are governed by the regulations referenced in this *Shoreline Management Plan for Greers Ferry Lake*.

Ownership, construction, operation, use and maintenance of permitted/licensed facilities and/or activities are subject to all permit conditions and 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. The Greers Ferry Lake Project Office collects permittee and/or owner information including name, address, phone number, boat registration information and email to keep on file for permit purposes. This information will not be released to the general public except in accordance with the Freedom of Information Act (FOIA) and the Privacy Act of 1974.

All general public requests for permittee and/or owner information must be submitted to the Little Rock District Corps of Engineers FOIA Officer.

A schedule of *Shoreline Use Permit* fees in place at the time of the publication of this document can be found in CFR 327.31.

GENERAL REQUIREMENTS

Shoreline Use Permits are generally issued for a period of five years. Exhibit A contains *Shoreline Use Permit* conditions that are uniformly applicable to all permits issued. However, unique circumstances may require the establishment of additional terms and/or special conditions. All applications for *Shoreline Use Permits* on the reservoir are subject to approval by the Operations Project Manager. Requests for activities not specifically addressed in this plan should be submitted in writing to the Operations Project Manager for review.

All *Shoreline Use Permits* are issued and enforced in accordance with the provisions of *Title 36, Chapter III, Part 327, Code of Federal Regulations (CFR)*. The version of this CFR in place at the time of writing of this document is attached as Exhibit A. Failure to obtain the proper permits or noncompliance with any of the terms and conditions, general or special, may result in termination or revocation of the permit or other enforcement action.

The shoreline use program is intended only for private shoreline uses. Commercial development for financial gain will not be authorized or allowed. Private floating facilities cannot be developed or operated as a commercial enterprise.

Prior to a site inspection by a USACE Park Ranger, the landowner must physically mark the corners of their private property along the common boundary. If trespass violations and/or encroachments exist on Government property, a permit will not be issued/reissued until the violation is resolved to the satisfaction of the Operations Project Manager.

The use of a permitted private floating facility shall be limited to the mooring of the slip owner's vessel or watercraft and the storage of his/her gear essential to the operation of such vessel or watercraft in an enclosed locker. 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 sale of total ownership of a private dock or slip(s) in a multiple-owner dock. Commercial use of a boat slip in a private and/or multiple-owner dock, to include but not limited to rental of a slip, use of a slip included in a residential or commercial rental agreement, or use of a slip in the operation of business is prohibited.

Providing false information and/or otherwise not complying with this *Shoreline Management Plan for Greers Ferry Lake* and/or the terms and conditions of the permit can result in the termination of the permit and the removal of the dock from the lake if applicable.

No permit of any type may be issued within the Federal/State recommended distance of a known federally threatened or endangered species location and/or habitat.

Permits, Where Required. Revocable *Shoreline Use Permits* will be granted for private floating facilities and for vegetation modification where such activities conform to the *Shoreline Management Plan for Greers Ferry Lake* and to land use classifications of the *Greers Ferry Lake Master Plan*.

Permits, Authority to Issue. Operations Project Managers are authorized to approve construction plans and to issue *Shoreline Use Permits*. ENG Form 4264-R, Application for *Shoreline Use Permit*, with permit conditions attached will be used. Construction may proceed upon receipt of written approval of the plans and issuance of the *Shoreline Use Permit*.

Permit Administration Charge. A charge will be made for *Shoreline Use Permits* to help defray expenses associated with issuance and administration of the permits. Fees paid for *Shoreline Use Permit* are non-refundable.

Permit Term. *Shoreline Use Permits* are issued for a period of time not to exceed 5 years, but are subject to revocation by the District Engineer whenever it is determined that the public interest requires such revocation, the permittee fails to comply with the conditions of the permit, or the shoreline or water surface is needed for a higher public use. Permits for private floating facilities and vegetation modification will be issued for up to 5 years.

Posting of Permit Number. One permit plate will be provided by the Greers Ferry Project Office for posting on a private floating facility. The permittee will be required to provide a commercially produced permit sign approximately 6 by 12 inches in size, bearing the permit number and placed at the common boundary line. All replacement signs will be provided by the permittee. These signs will be posted on the floating facility and the land area covered by the permit in accordance with instructions provided by the Operations Project Manager for new and re-issue permits.

Permit Revocation. Authority to revoke shoreline use permits rests with the District Engineer. Permits may be revoked when the action is in the public interest or when the permittee fails to comply with the terms of the permit, the *Shoreline Management Plan for Greers Ferry Lake*, or ER 1130-2-406. The permittee notification process is outlined on the back of the permit.

Public's Right of Access and Use

The issuance of a *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.

PRIVATE FLOATING FACILITY PERMITS (DOCKS)

Shoreline Use Permits are required for all private floating facilities. Private floating facilities as discussed in this plan include single-owner boat docks and multiple-owner boat docks.

Floating facilities are private structures, therefore the owners of the dock may restrict use of the facility. All new permits for private floating facilities and any modifications to existing facilities must meet the requirements in this *Shoreline Management Plan for Greers Ferry Lake*. Vessels moored in a private floating facility must be registered solely to the owner of the dock/slip(s).

Docks are approved for the mooring of the owner's vessel and the storage of gear essential to the vessel's operation. All boats must be moored inside a slip, with the exception of personal water craft storage as discussed in this plan. Side-ties are not authorized.

A household may own a maximum of two slips in any dock and may not own an interest in more than one dock on the lake. A household is defined as an individual/individuals living at the same address. Multiple persons listed on a deed or living at the same address will be considered as one household/adjacent landowner. The property within an LDA (75 feet or more of common boundary) is only eligible for a maximum of 2 slips regardless of the number of households owning the property. A household may have only one of the two following options:

- (1) Ownership of a single owner dock (up to 2 slips).
- (2) Ownership of 1 or 2 slips in a multiple-owner dock.

Valid state boat registration will be necessary to verify slip needs. Fractional interests in boats with individuals outside the permittee's household will not qualify.

Permits will be issued on a first applicant basis to an individual. Permits are not issued for speculative purposes, enhancement of private property, or to companies/businesses. Site inspections will not be performed for speculative purposes. The permittee must be the primary user and owner of the permitted facilities. Permits are not issued to minors. Permits are temporary in nature with expiration dates. The issuance of a permit is a privilege and does not infer private ownership or rights to public lands. Under no circumstances should any individual proceed with installation of facilities until a valid permit is in hand. Structures placed on public lands via a *Shoreline Use Permit* are private property on public lands authorized only for the term of the permit. Structures or belongings not covered by a valid permit on public lands will be subject to removal entirely at the owner's expense.

There are many areas around the lake where rental homes are adjacent to Government property. These homes may be rented on a long term basis or short term, such as a weekend. Rental of the home does not convey any rights or permission for use of a private floating facility that may be owned by the owner of the home. Only bonafide owners of the dock are allowed to moor their vessels in or at the dock.

Fractional interests of single boat slips is not allowed. Slips having more than one owner prior to the implementation of this *Shoreline Management Plan for Greers Ferry Lake* will be honored until such time that the entire interest in the slip has been sold.

In the event that slip ownership is determined through an inheritance, and fractional interest is unavoidable considering the circumstances (i.e. three children inherit 2-stall boat dock), fractional slip ownership may be permitted. For such transfers, estate documentation to determine ownership will be reviewed on a case-by-case basis.

Fractionally owned slips may only be transferred or sold to current owners within the slip, unless all existing slip owners agree to transfer or sell the slip at the same time to a separate household.

Dock owners may not: (a) remove vegetation or trees without approval, (b) construct breakwaters to protect the dock from wave action or, (c) install buoys.

All permittees must designate an alternate (local party living within 30 miles of the lake) who will be responsible for surveillance over the dock on a 24-hour basis.

Seaplanes, houseboats, sailboats, and amphibious vehicles are not permitted to be moored in private docks.

SINGLE-OWNER DOCKS

New permits may be issued for single-owner docks within a LDA, subject to the restrictions listed herein. New docks may be one or two slips.

A permit for a single-owner dock does not give the owners any exclusive rights to the use of Government property for access, parking, or utilities to serve the dock.

An applicant requesting change of ownership of an existing single owner private floating facility permit must obtain a *Shoreline Use Permit* from the Greers Ferry Lake Project Office.

MULTIPLE-OWNER DOCKS

New permits may be issued for multiple-owner docks within a LDA, subject to the restrictions listed herein. These docks may be 2 to 12 slips.

The permit for a multiple-owner dock will be issued to the person designated as the authorized representative for the slip owners in the dock, referred to as “president”. This person must be a member (owner) in the dock. The authorized representative designation does not give any more rights to the individual than the other owners in the dock. Designation of the president will be subject to prior approval by a majority of the other owners with an interest in the dock. The president will provide documentation, in writing, with owner’s signatures, verifying the president of the dock. Valid state boat registration will be used to verify slip ownership, the size, and the number of slips needed. Where it is applicable, electrical certification is also required.

When a slip in a multiple-owner dock is transferred to a new owner, the seller and buyer must notify the dock president and provide a copy of the bill of sale for the slip, proof of ownership of 75 feet of adjacent property within a LDA, and boat registration certificate for the boat to be moored in the dock. The dock president is responsible to provide updated ownership information to the Operations Project Manager. Providing false information and/or otherwise not complying with this *Shoreline Management Plan for Greers Ferry Lake* and/or the terms and conditions of the permit can result in the termination of the permit and the removal of the dock from the lake.

A permit for a multiple-owner dock does not give the owners any exclusive rights with regard to the use of public land. The permit does not give the owners the right to remove vegetation (unless otherwise noted in the permit) or to construct breakwaters to protect the dock from wave action or install buoys. Parking and vehicular access is prohibited on Government property.

Requests to modify a dock will be submitted from the president of the dock and subject to approval by the Operations Project Manager. This includes all boat slips, walkways, roof additions, expansions and extensions to the dock. This also includes steps, stairs, lockers and electrical additions or changes.

In the case a person comes to acquire more than two slips due to an inheritance or other circumstances, the slips must be sold as soon as possible so that ownership becomes compliant with the *Shoreline Management Plan for Greers Ferry Lake*. Ownership of more than two slips can be cause for termination of the permit and removal of the dock or slips.

APPLICATION

NEW OR MODIFICATION TO EXISTING FACILITY

A letter of request including a site plan and proposed dock dimensions must be submitted to the Greers Ferry Lake Project Office by the president for any new or modification to an existing floating facility. The plan shall include any land based support facilities that will be requested. All new facilities or modifications must be located within a LDA. Upon request, a USACE employee will conduct a site inspection to determine if the location is physically suitable. If approved, the applicant will have sixty days (from date of site approval letter) to provide all required submittals. Upon approval of submittals, the applicant will have one year to complete construction. Construction cannot begin until all submittals have been approved and construction plans are stamped “approved for construction.”

Upon site approval, the applicant must provide the following submittals to receive construction approval:

- *Shoreline Use Application (new permits only)*. For dock permits issued (new or reissue) after the implementation of this *Shoreline Management Plan for Greers Ferry Lake*, the application must be in the name of the individual dock owner.
- Two printed sets (8 ½” x 11”) and one electronic set of engineer reviewed and stamped plans of the entire facility. In addition to the actual structure, plans must include all amenities, including but not limited to, lockers/storage, PWC moorage, and solar battery storage.
- *Dock Member Register* with the name, address, phone number, and boat registration for all slips. All dock owner information sheets must be stamped by the County Assessor’s Office.
- Copy of current boat registration for each new slip. This requirement is necessary to preclude commercial activity on the floating facility.
- When replacing an existing dock, permittee must submit either a letter stating the old dock will be dismantled and removed from public lands and waters within 30-days of the installation of the new dock, or Bills of Sale to new owners who have an approved location.
- Provide proof of land ownership of 75 contiguous feet or more of common boundary line to public land within LDA and within 200 feet of the dock walkway at 462-foot elevation contour.

- If the adjoining land is jointly-owned (i.e. Trust, LLC, Non-Profit, etc.), the dock owners must provide documentation indicating their interest in the jointly-owned property.
- All new owners of slips in boat docks must attend a meeting with USACE personnel before a new permit can be issued.

The appropriate fee payment must be submitted to the Greers Ferry Lake Project Office prior to issuance of the *Shoreline Use Permit*. Use of the facility is not permitted until the final inspection is complete.

REISSUE (PERMIT RENEWALS)

Applications for “reissue” of expiring permits require the applicant to submit the following:

- A completed and signed Shoreline Use Application with signatures of Permittee and Alternate Point of Contact (POC);
- Payment for applicable fees;
- *Current Dock Members’ Register* with all owner’s names, address, phone number, and current boat registration numbers. All dock owner information sheets must be stamped by the County Assessor’s Office;
- *Certificate of Electrical Inspection* (if applicable);
- *Certificate of Compliance* or signed statement that all noted deficiencies have been corrected and include photos of completed repairs. This signifies the dock meets current permit conditions and SMP requirements.

The permit may then be reissued with a new expiration date to the existing permittee. All permit conditions of the new permit will apply at that time.

If the dock’s structural integrity is in question, the permittee will be required to have a registered professional engineer conduct the inspection to assure the dock meets the minimum design/construction standards at no expense to the Government.

Existing docks can be sold and remain at their presently approved location or they may be relocated to an approved site on the lake, upon approval by the Operations Project Manager. Requests to expand the size of existing docks will be subject to prior approval by the Operations Project Manager. Each request to relocate an existing dock to a new area will be reviewed on a case-by-case basis considering the current shoreline allocation, physical characteristics of the area, and available facilities nearby.

DOCK ACCESS

ADJOINING LANDOWNER REQUIREMENT

Upon approval of this *Shoreline Management Plan for Greers Ferry Lake*, new permits associated with new dock construction will only be issued if all owners in the dock are adjoining landowners to Government property at the dock site. Additionally, any dock relocated to a currently unoccupied site will only be approved if all owners at the new dock site are adjoining landowners to Government property. Any owners of the slip additions to these docks must also be adjoining landowners. Dock must be located below owner's property and no additions will be allowed if Government property line is below 491-foot elevation contour (because an access easement across private property would be required to access the dock during high-water conditions). All owners of a floating facility must own adjacent property to access the facility.

75 FOOT SHARED COMMON BOUNDARY REQUIREMENT

To be considered for a new dock permit, the landowner's private property must share a common boundary with Government property (allocated as LDA) for a minimum width of 75 feet and the subject lot must be of a practical design, (i.e. extremely shallow or narrow lots, known as finger lots, will not qualify for permits). To be considered for adding or purchasing a slip in a dock, the applicant must own a minimum width of 75 feet of common boundary with Government property (allocated as LDA). For example, there is a dock below lot A and lot B would like to add a slip to the dock. Lot B shares a common boundary with the Government of 100 feet, but there is only 60 feet of LDA below lot B, therefore lot B would not be eligible to add or purchase a slip in lot A's dock.

200 FOOT REQUIREMENT

All new slips and dock sites at 462-foot elevation contour shall not be greater than 200 feet from the point of access. Applicants must be able to provide a copy of a land deed showing ownership of adjoining private property within 200 feet of the proposed dock walkway. Only adjoining landowners may place new docks or add slips in LDA provided the LDA has not reached the maximum density of development and all other criteria is met.

PARKING

Access across public land will be limited to pedestrian traffic only. Public roads and parking areas will not constitute legal access when applying for a permit. Parking along a public road or within public parking areas is not acceptable. The Corps of Engineers may require the applicant to place large boulders or barricades, heavy enough to prevent easy removal, along the common boundary line. Such barricades should be spaced to prevent vehicular access on public lands, but not impede pedestrian access. Additional special conditions may apply.

PERMITTED DOCKS EXISTING PRIOR TO APPROVAL OF THIS SHORELINE MANAGEMENT PLAN FOR GREERS FERRY LAKE

When dock access via a recorded perpetual easement, common-property, or county road access was established, these points of access will be honored.

When transferring ownership of a permitted boat dock or slip, previously approved dock access via a recorded perpetual easement or common-property will be honored.

When considering dock modifications, all dock access requirements in this *Shoreline Management Plan for Greers Ferry Lake* must be met.

When considering relocating an existing permitted dock, all current *Shoreline Management Plan for Greers Ferry Lake* dock access requirements must be met. In addition, a relocated dock must comply with all current *Shoreline Management Plan for Greers Ferry Lake* and must utilize an alternative power source.

Permitted docks existing prior to the approval of this *Shoreline Management Plan for Greers Ferry Lake* may be considered non-conforming. Reference Non-Conforming Facilities section of this plan for further details.

Existing docks utilizing an easement, common-property, or county road access for access may not add slips.

REISSUE (PERMIT RENEWALS) AND CHANGE OF OWNERSHIP OF EXISTING FACILITIES

Dock/slip owners must maintain legal access to their private floating facilities. However, no documentation of this will be required at the time of application for reissue of permits provided ownership and access has not changed. In the event slip ownership changes, all access documentation must be provided within 14 days.

Dock/slip sales or transfers that will require a new easement to access the facility will not be authorized. Otherwise, the slip/dock will be required to be removed from the lake.

VEGETATION MODIFICATION FOR DOCK PERMITS

A maximum six-foot wide path can be maintained for access to the dock. Reference the Vegetation Modification, Foot Paths section in this plan for additional requirements. A maximum three-foot wide area around the anchor pins can be maintained. Submerged trees located underneath a dock structure at the dock's approved site, at the 462-foot elevation contour, may be removed with approval.

LOCATION AND SPACING REQUIREMENTS

Location, spacing, density, and depth will be determined at the 462-foot elevation contour.

LOCATION

New floating facilities or relocation of existing facilities will only be considered in areas allocated as Limited Development as indicated on the shoreline zoning map. The entire facility including anchor cables must be located within the LDA. Docks and associated footpaths will not be located within 30 feet of any public utility right-of-way and/or crossing. Examples may include utility crossings and sewage outfalls.

MAXIMUM DENSITY

The density of development in LDAs will depend upon and be consistent with the ecological and aesthetic characteristics of the particular area. The density of development will not exceed 50 percent of the shoreline allocated for limited development when the lake level is at the top of the conservation pool. Density will be determined by measuring linear feet of shoreline in the zone and comparing it to the width of the facilities. Density of LDAs will be assessed by adding 50 feet to each side of the dock plus width of dock. Once the LDA reaches ≥ 50 percent density of the length of the zoning, slip additions and/or modifications that increase the overall width of the facility along the shoreline, will not be allowed.

MAXIMUM DENSITY AREA FACILITY MODIFICATION

When a LDA reaches maximum density, notice should be given to the public and facility owners in that area that no additional facilities (docks) or additions (slips) that increase the overall width of the facility along the shoreline will be allowed. In those cases where current density of development exceeds the density level established in the *Shoreline Management Plan for Greers Ferry Lake*, the density will be reduced to the prescribed level through attrition. At the time of writing this document, 77 of the 146 existing LDAs have reached the maximum density. These areas are identified and stored in a GIS format. This map is readily available for viewing at the Greers Ferry Lake Project Office. The areas that had reached maximum density at the time of writing this document were presented to the public during the *Shoreline Management Plan for Greers Ferry Lake* draft and final presentation public workshops held in 2020. The maximum density designation is not a shoreline allocation, it is a fluid status that changes as docks are added or removed from the LDA.

SPOT ZONES

A spot zone is a LDA that was created under previous *Shoreline Management Plan* for the purpose of authorizing a single boat dock at that location. All LDAs at spot zone locations where docks are present are considered at Maximum Density, therefore, slip additions and/or modifications that increase the overall width of the facility along the shoreline will not be allowed.

COVE WIDTH

No facility will extend out from the shoreline more than one-third the total width of any particular cove, as determined by the Corps of Engineers, at 462-foot elevation contour.

At a minimum, the two-thirds of the cove or channel must be left open for navigation. At no time may the length of any dock including any moored vessel extend into this protected navigation channel at 462-foot elevation contour. USACE policy is to regain this navigable space when considering replacement facilities under existing permits. All new facilities will be placed or replaced in such a way as to have the least impact on navigation.

Docks will not be placed directly across from each other if it will change the normal recreational use patterns in that portion of the lake (i.e. minimum distance between passing boats and minimum distance from docks). Therefore, docks must be placed so as not to disrupt normal boating traffic.

DOCK SPACING

Additions or modifications to existing or new boat docks will be spaced a minimum of 100 feet apart (all sides) at 462-foot elevation contour, including from launch ramps. This distance is measured from closest point to closest point at 462-foot elevation contour.

If current spacing is not 100 feet apart (all sides), docks must be moved to an approved location in order to establish the 100 feet minimum distance within an LDA prior to any modifications or additions being approved. If docks are moved, all other permit requirements, such as access and 100 feet distance, still remain in effect. Rearrangement of the dock structure (i.e. reposition dock from parallel to perpendicular to the shoreline) will only be permitted if the 100 feet distance is established between all docks involved. Boat docks must be positioned where extensions do not encroach on spacing between adjacent docks. Relocation of docks that would require a new access easement will not be authorized.

WATER DEPTH AND SLOPE

Site inspections cannot be conducted if the lake elevation is unreasonably high or low, thereby limiting the ability of USACE Park Rangers to make a valid evaluation of cove width, water depth, and distances between docks. Site inspections for new docks and dock modifications will be performed between lake elevations 460 feet and 464 feet msl. A minimum water depth of 7 feet will be required for new docks, the water depth will be measured 50 feet out horizontally from the 462-foot elevation contour.

New floating facilities or relocation of existing facilities must maintain a minimum of seven-foot water depth for all slips to provide adequate depth for mooring of boats, lifts, and underwater bracing. Ease of pedestrian access should be considered by the applicant, with the understanding that new construction of steps or stairs may not be approved. A site that presents obvious access limitations, such as a bluff or severe slope, and/or when shoreline conditions prevent proper dock maintenance (adjustment with fluctuating lake levels) by the applicant, the site may be denied for a boat dock at the discretion of the Operations Project Manager.

DOCK CONFIGURATION

Docks may be constructed in a perpendicular or parallel design. The access ramp to the facility must be perpendicular to the shoreline and docks cannot be moored at an angle. The number of slips in a dock may be reduced. All slip owners must be in agreement to reducing the number of slips. The Operations Project Manager will have the final determination whether docks are moored perpendicular or parallel to the shoreline. Safety and navigation concerns will be utilized to determine placement configuration.

NON-CONFORMING AND GRANDFATHERED FACILITIES

NON-CONFORMING FACILITIES

Facilities that were permitted and constructed in accordance with a previous *Shoreline Management Plan for Greers Ferry Lake* or a prior written USACE commitment, are authorized to remain in place, as long as the facility is maintained in accordance with the *Shoreline Use Permit Conditions*, even if not in compliance with the current *Shoreline Management Plan for Greers Ferry Lake*. These docks will be referred to as “non-conforming” docks (i.e. exceeds one-third of the cove, less than 100-foot distance between docks, has swim deck, enclosed, multiple-level dock). Docks with enclosed sides (i.e. boat houses) are prohibited by the current *Shoreline Management Plan for Greers Ferry Lake*; therefore, when an existing dock with enclosed sides is replaced, the new dock will not be permitted to have enclosed sides. Other docks which are non-conforming may be rebuilt to the currently approved footprint; however, the new dock must comply with the *Shoreline Management Plan for Greers Ferry Lake*.

(1) Deviations or changes within the original approved footprint may be considered and are subject to the same conditions of all other permitted boat docks, with the exception of:

(a) The number of boat dock slips and the number of boats will not increase from the number originally permitted.

(b) No appurtenances or enclosures will be permitted including swim decks, diving boards, water slides, end ties, etc.

(2) Anytime structural changes to the dock are required, plans signed and stamped by a professional engineer licensed in the State of Arkansas must have prior approval from the Operations Project Manager.

(3) Permitted non-conforming docks that are damaged or destroyed due to wind, ice, snow or other natural causes may be replaced within the original footprint and must conform to current *Shoreline Management Plan for Greers Ferry Lake* to the maximum extent possible. Engineer stamped plans must have prior approval from the Operations Project Manager.

FACILITIES EXISTING UNDER SPECIAL CONDITIONS (GRANDFATHERED)

Docks will be permitted to remain in their present location providing the structures are maintained to the guidelines provided in this document, Section 6 of Pub. L. 97-140 and Section 1134 (d) of Pub. L. 99-662. These public laws are located in 36 CFR 327.30 which can be found in Exhibit A of this *Shoreline Management Plan for Greers Ferry Lake*.

FACILITY CONSTRUCTION REQUIREMENTS

New facilities or modification of existing facilities must include plans signed and stamped by a professional engineer licensed in the State of Arkansas. Alterations to the original approved plan may not be made without prior approval, except as noted below. All construction must be in compliance with 36 CFR 327.30 (attached as Exhibit A) and with all other Federal, State, and local laws and regulations. All electrical facilities must be in compliance with the National Electric Code and meet all requirements of the current Corps of Engineers, Little Rock District Dock Electrical Systems requirements as updated, revised, or superseded. Electrical plans must be reviewed and stamped by a professional engineer licensed in the State of Arkansas or signed by a master electrician licensed in the State of Arkansas. Listed below are additional requirements; however, if there is any conflict between this *Shoreline Management Plan for Greers Ferry Lake* and the above, the more stringent rule will apply.

If any modification is required, two printed (8 ½” x 11”) and one electronic set of engineer reviewed and stamped plans of the entire facility must be provided. In addition to the actual structure, plans must include all amenities, including but not limited to, lockers/storage, PWC moorage, and solar battery storage.

MINIMUM/MAXIMUM COMPONENT DIMENSIONS FOR THE MAIN WALKWAY, FINGERS, SLIPS, AND ACCESS RAMP

<u>Component</u>	<u>Minimum Size (feet)</u>	<u>Maximum Size (feet)</u>
Main Walkway-Header (width)	3	6
Other Walkways-Finger between slips (width)	3	4
Slip (width)	10	12
Slip (length)	24	28
Access Ramp-Walkway (width)	3	6
Access Ramp-Walkway (length)	20	40

Slips wider than 12 feet will be considered 2 slips.

ACCESS RAMP (WALKWAY)

All floating facilities must have an access ramp that connects the facility to the shoreline. Access ramps shall be placed in the center of the dock. Each floating access ramp must have enough flotation to provide a stable walking platform or be one solid piece connecting the shoreline to the floating facility without touching water. Access ramps cannot be supported by fixed piers or

posts. Extensions shall not be added to the walkway without approval of the Operations Project Manager. Only one access ramp (walkway) to a dock will be authorized.

DESIGN LOADS (MINIMUM)

- (1) Deck loads and walkways loads (substructure) 30 pounds per square foot (psf).
- (2) Wind loads (sub and superstructure) 20 psf.
- (3) Roof loads (superstructure) 10 psf.
- (4) Bracing – All columns and/or studs must be adequately braced to resist wind loads. Bracing shall be designed and constructed to counteract design loads, while allowing sufficient flexibility so wave action will not damage the structural and/or roof system.

FLOTATION

- (1) Must meet 36 CFR 327.30 Exhibit A on all new docks and/or on repairs to existing docks.
- (2) Flotation may not be stacked under the dock structure.
- (3) All flotation for new docks and add-ons must be encapsulated and meet the 8 inch minimum requirement of docks. There will be 8 inches of flotation from the bottom of the substructure to the surface of the water on the entire structure. The measurement will be taken from the bottom of the substructure (lowest portion) to the surface of the water. (Boards placed for bumpers along the structure will not be considered as a part of the substructure). If, upon initial inspection after construction, any portion of the dock substructure is measured to be less than 8 inches above the water surface, additional flotation must be added until dock is in full compliance.
- (4) Inspections for renewals or transfers will provide for the 6 inch to 8 inch deviation for the measurement of the flotation. If clearance between the bottom of the dock substructure and the surface of the water is 6 inches or more the dock will pass the inspection. If any part of the dock substructure has less than 6 inch clearance above the water's surface, the dock must be brought into full compliance with the 8 inch minimum clearance standard. In some cases, placement of additional float blocks in areas that do not have flotation may provide the additional support necessary to meet the 8 inch clearance standard. In other cases, all flotation on the dock may need to be replaced in order to achieve full compliance.

ROOFS

Roofs may be gabled or single-pitched. Roofs must be securely fastened to the superstructure to resist wind uplift. Minimum thickness: steel 28 gauge, aluminum 0.032 inches. Only green or blue colored roofs will be allowed for new construction. If additions are made, the roof must match the existing roof (color and height). If it cannot match the existing, then the entire roof must be replaced or the addition will not be approved.

Upper decks or platforms are prohibited on floating facilities.

ANCHORAGE

An anchorage system shall provide secure mooring of the private floating facility. Anchorage system utilizing 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. Anchor pins and cables should be placed to prevent physical damage to trees. Minimum requirements for anchor cables: 3/8 inch galvanized or stainless steel cable or larger.

CONSTRUCTION MATERIALS

- (1) All new docks will be galvanized metal or aluminum construction with wood, composite, or concrete decking.
- (2) Existing dock modifications or expansions must be constructed of similar type design and construction materials i.e., wood, metal, aluminum.
- (3) All materials used in construction of the dock must meet Environmental Protection Agency (EPA), National, State, and local guidelines on all new docks and/or repairs to existing docks.
- (4) All materials used in construction must be new. The use of salvaged or previously used materials will not be permitted.
- (5) Two separate permitted structures may be combined into one permitted structure provided engineered stamped plans are submitted and approved. The revised/combined structure must appear as if it was constructed at the same time (i.e. the structure will not look as if it were “pieced together”).

HANDRAILS

- (1) Handrails will be provided on at least one side of the walkway leading to the dock and perimeter areas of the dock, with the exception of an existing swim deck which only requires hand and guard rails on the shore side. Gates or safety chains may be used in areas on the perimeter of the dock where frequent loading/unloading takes place. Chains shall not span more than 4 feet.
- (2) Hand rails shall be approximately 42 inches in height with a guardrail approximately 22

inches in height below the handrail.

- (3) Hand rails must be structurally sound and maintained in a state of good repair.
- (4) Handrails must withstand a load of at least 200 pounds applied in any direction at any point with minimum deflection.

STORAGE LOCKERS

A minimum sized enclosed storage area or locker may be constructed for the storage of equipment necessary for recreational boating, such as oars or life preservers. The maximum size footprint allowed is 16 square-feet. Only one locker per slip is allowed. A minimum of 3 feet open decking must be provided on the walkway for access.

Lockers may be placed at the end of fingers or on the shore side of the dock. Lockers may be cantilevered. Prior approval is required for the installation of permanently attached lockers and must be shown on the dock plans provided to the Greers Ferry Lake Project Office. The addition of lockers to an existing multiple-owner dock requires a letter with signatures from a majority of the slip owners prior to approval.

PERSONAL WATERCRAFT (PWC) MOORING

PWCs are classified as vessels that can be moored in a dock. If a PWC is counted as a vessel for a slip, the slip must be built the same as for any other vessel, including walkways. PWC attachments are permitted only on the shore side of the dock or inside a slip.

Only current slip owners within the dock are allowed to place, own, and/or use PWC lifts on a dock. Prior approval is not required for the installation of PWC lifts.

SWIM DECKS

Swim decks are not allowed on Greers Ferry Lake.

SLIP FILL-INS/DECK OVERS

According to this *Shoreline Management Plan for Greers Ferry Lake*, a walkway may be at a maximum of 6 feet wide. Therefore, a dock designed, built, and authorized with a 4 foot header walkway can have, at a maximum, a 2 foot slip fill-in/deck over. The addition of a 2 foot slip fill-in/deck over would bring the 4 foot walkway width to the maximum 6 feet allowed. Triangular-shaped slip fill-ins/deck overs placed in the header corners of a slip are acceptable, provided the dimensions do not extend any portion of walkway beyond 6 feet. These are the only approved slip fill-ins/deck overs. Slip fill-ins/deck overs will be limited to the header walkway portion of the dock. Prior authorization is not required for slip fill-ins/deck overs.

BOAT LIFT DECKING

A limited amount of decking (walk boards) may be secured to a boat lift to facilitate vessel access. Walk boards placed on boat lifts may be positioned below the bow (front) and sides (port

and starboard) of the owner's vessel. Walk boards on boat lifts will only be authorized for the purpose to assist in providing access for the vessel. The bow-positioned walk boards will not exceed 3 feet by the width of the slip (i.e. 3 feet by 10 feet and 3 feet by 12 feet). The side-positioned walk boards may be installed on the lift below the sides of the vessel and will not exceed 18 inches wide by the length of the boat lift. Plywood, Oriented Strand Board (particle board), Medium Density Fiberboard, or other non-dimensional lumber materials will not be permissible. Prior authorization is not required for the installation of boat lift decking.

PERMIT SIGN

Permit holders are required to display one permit sign with the permit number on the dock and one permit sign on the common boundary line. One sign for the dock will be provided by the Greers Ferry Lake Project Office and will be sent to the applicant upon permit issuance. The sign must be securely attached to and displayed on the lake side of the dock. The sign at the common boundary will be provided by the permittee. All replacement signs will be provided by the permittee. See Exhibit B for sign standard example and installation requirements.

ELECTRIC SERVICE

New electric service must be supplied from an alternative power source (i.e. solar). Generally, new licenses, including an ownership change in a single-owner dock, for land based electric service will not be approved. If a dock with existing land based electric service is relocated or moved, the existing electric service must be removed and the area restored. In these instances, new electric service must be provided by an alternative power source.

Existing electrical services, either located on Corps of Engineers property or when supplying electricity to floating facilities, must meet the standards set by the current National Electrical Code and current Corps of Engineers, Little Rock District Dock Electrical Systems handout. Licenses are not required for solar or other alternative electric systems that are contained entirely upon a permitted boat dock. Outgrants will not be issued for new electric service to private floating facilities. Electric service for new floating facilities and those existing facilities without service must be supplied from a renewable energy alternative power source (i.e. solar). This service must be installed and maintained to the standards established by the current National Electrical Code and current Corps of Engineers, Little Rock District Dock Electrical Systems handout.

A copy of the electrical inspection form must be certified by a Master Electrician, licensed in the State of Arkansas, and provided to the Operations Project Manager at Greers Ferry Lake before a *Shoreline Use Permit* will be issued or reissued. Generators may not be used. Extension cords may be used on docks to provide power to battery chargers and must be kept out of reach of pedestrian traffic, and must be removed when not in use or fully supervised by the dock owner. Extension cords must be grounded (three-pronged). See section on Facilities Requiring Outgrants, Electric Lines, for information on use, maintenance, and renewal of existing electric line right-of-ways.

DOCK LIGHTING

All lighting must be included in the approved electrical plan.

It is the intent to allow the amount and location of light for the safe and convenient use of a dock while limiting the amount of light that creates glare and trespass.

All lighting on docks shall be “shielded” downward directional lighting and aimed so that it is not visibly creating light trespass or glare. Any lighting that creates light trespass, glare or sky glow shall be replaced with lighting that conforms to these lighting standards.

STRUCTURE ENCLOSURE

Enclosure of the superstructure will not be allowed. Existing enclosed facilities will be allowed to remain as long as they are maintained in their current condition. No modifications to or replacement of an enclosed facility will be allowed. If replaced, the new facility must be open in design. Floating facilities will not be used for human habitation. New docks must be constructed with open sides.

AMENITIES

Docks are approved for the mooring of the owner’s vessel and the storage of gear essential to the vessel’s operation, therefore any amenities that present an appearance of human habitation is not allowed. Upper decks and platforms are prohibited on any floating facility. The following items that are also prohibited on any floating facility include, but are not limited to: grills, playground equipment, plants, bird houses, indoor furniture, couches, cabinets, appliances, satellite dishes, permanent stereo systems and televisions. Slides, diving boards, water trampolines, swim platforms, or other stationary floating water toys, are prohibited. Decorative lights (rope lights, string lights, party lights, holiday lights, or any other light source not authorized by the project office), underwater lighting, hot tubs, curtains, showers, fire pits, swings, and ceiling fans are also prohibited.

VEGETATION MODIFICATION PERMITS

Mowing, underbrushing, dead tree removal and all other related work performed on Government property around the lake must have prior written approval from the Corps of Engineers. The approval for a vegetation modification request may be granted through a *Shoreline Use Permit* issued to the adjacent landowner. Where significant wildlife habitat or scenic/aesthetic areas occur, requests for vegetation modification may be denied or additional restrictions may be included on the permit. Previously approved vegetation modification requests within a shoreline allocation, which normally would not allow vegetation modification should be grandfathered; however these grandfathered permits will not be transferrable to a new landowner should the properties be sold or transferred.

In all cases, the permittee will avoid creating the appearance of private exclusive use of Government property. All lands covered by a *Shoreline Use Permit* will remain open at all times for use by the general public. The placement of personal property on public lands is prohibited. Permit conditions are attached as Exhibit A.

APPLICATION

An *Application for Shoreline Use Permit* must be made to the Greers Ferry Lake Project Office, and permit issued prior to modification of vegetation on Government property.

NEW OR CHANGE OF OWNERSHIP PERMIT REQUESTS

All persons applying for a permit allowing vegetation modification in a new area or persons requesting a change of ownership of an existing *Shoreline Use Permit* must submit a completed *Application for Shoreline Use Permit* along with the required fee and proof of ownership of property adjoining Government property. Upon issuance of a permit, the boundary must be marked by installing a standard permit sign on the common boundary line. The applicant must provide a permit number sign at boundary line. Signs may not be attached to vegetation. In cases where there is a boundary line dispute or a potential encroachment, the applicant will be required to provide a survey, prior to issuance of a permit. See Exhibit B for sign standard example.

REISSUE (RENEWAL)

Applications for “reissue” of expiring permits require the applicant to submit a signed *Application for Shoreline Use Permit* and payment for the permit fee. The permit will then be reissued with a new expiration date to the existing permittee providing there are no unauthorized activities. All permit conditions in place at the time of the new permit issuance will apply to the renewed permit. The applicant must provide a permit number sign at boundary line. Signs may not be attached to vegetation. In cases where there is a boundary line dispute or a potential encroachment, the applicant will be required to provide a survey, prior to issuance of a permit. See Exhibit B for sign standard example.

VEGETATION MODIFICATION

MOWING AND UNDERBRUSHING

Vegetation modification requests for mowing or underbrushing may be approved and a *Shoreline Use Permit* issued within areas of the lake allocated as LDA and Protected Area. Vegetation modification requests for mowing or underbrushing will not be issued in areas classified as Environmentally Sensitive, Wildlife Management, Project Operations, and High Density in the most current *Greers Ferry Lake Master Plan*.

Mowing and underbrushing will be limited to the area of Government property between the adjoining private property lot lines, as though the lot lines were extended onto Government property from the common private/Government property line towards the shoreline. The maximum allowed limit of an underbrushing permit is 100 feet. This will be measured from the foundation of a habitable structure. If the Operations Project Manager determines that there is a need for an underbrushing permit, an adjacent landowner may be granted a permit to underbrush 50 feet from a habitable structure. A 100-foot vegetative buffer strip (measured horizontally) has been established from the vegetated edge of the conservation pool landward. Landowners may be granted an additional 50 feet of underbrushing if it would not disturb the 100-foot vegetative buffer strip. At no time should mowing or underbrushing occur in an area that exceeds 100 feet from a habitable structure. Within specified areas of the permitted vegetation modification

request, turf tired lawn mowers, string trimmers, and hand tools may be used. Chemicals and fertilizer cannot be applied on Government property. Campsites, decks, porches, and garages are not considered part of the habitable structure for the purposes of obtaining mowing and/or underbrushing permit. Mowing and/or underbrushing will not be permitted across any natural or manmade break in vegetation such as a road, creek, electric distribution line, etc. The actual limits of vegetation modification in each case will be determined by the Operations Project Manager, and defined in the *Shoreline Use Permit*. Trees and shrubs up to two (2) inches in diameter (measured at ground level) may be removed, excluding *Cornus* (Dogwood tree) or *Cercis* (Redbud tree). Trimming, limbing or topping of trees is prohibited.

INVASIVE SPECIES

The removal of invasive species from Government lands is encouraged; however, a *Shoreline Use Permit* for the activity is required. There will be no charge for a permit for the removal of invasive species from Government lands, provided no other vegetation modification is involved in the request. When other vegetation modification is requested in conjunction with the invasive species removal the normal fee payment will be required. For the purpose of this *Shoreline Management Plan for Greers Ferry Lake*, invasive species is defined as those species of plants identified by the State of Arkansas as “invasive species” in an agency publication. An application for removal of an invasive species should include photos of the area, identification of the invasive species, a copy of the agency publication identifying the plant as an invasive species, and the conceptual plan for removal of the species. Use of chemicals can be approved for this purpose; however a use plan must be provided with the application. These permits are not subject to the mowing/underbrushing area distance limitations, nor are they subject to the 2 inch diameter at ground level size limitation for tree removal. For example, at the time of the writing of this *Shoreline Management Plan for Greers Ferry Lake*, the State of Arkansas listed the Bradford Pear Tree as an invasive species; therefore, any *Pyrus calleryana* (Bradford Pear tree) existing on USACE property could be removed under this type of permit regardless of the tree’s location in relation to a habitable structure or the tree’s size once a *Shoreline Use Permit* has been issued.

NATURAL RESOURCES AND WILDLIFE ENHANCEMENT

Persons interested in vegetation modification for the improvement of natural resources or wildlife habitat along the shoreline within areas classified as Low Density, Vegetation Management, and Wildlife Management in the *Greers Ferry Lake Master Plan* must have a plan approved by the Operations Project Manager. The plan will provide for better management of the area for enhancement of wildlife propagation, conservation of the area and the prevention of erosion to improve water quality, utilizing best management practices. Written permission must be granted prior to any work taking place. This is not to be interpreted as authorization to limb trees for a view, create mowed areas, etc. The Operations Project Manager will review this activity and may revoke the authority if it becomes a controversial issue.

FOOT PATHS

A foot path may be permitted to the water’s edge. There is no requirement for a habitable structure on the adjacent private property for the issuance of this permit. The path cannot exceed 6 feet in width and must be meandering to prevent erosion. The path route will be the

shortest meandering distance between private property and the lake, keeping in mind possible safety issues. The only materials that can be used are natural colored wood mulch or wood bark. No stairs or steps are permitted on the path. Erosion control methods for the path may be considered and approved on a case by case basis. When a permitted path to the shoreline creates an erosion problem, the permit may be revoked to allow the terrain to be restored. Digging, placement of fill material, or construction of bridges will not be allowed. Within specified areas of the permitted foot path request, turf tired lawn mowers, string trimmers, and hand tools may be used. Trees may be limbed along the path to keep the immediate area of the path clear for walking (maximum 6 foot wide and 7 feet tall).

In areas with a land classification as Environmentally Sensitive Area, the same permit requirements will apply; however, no improvements will be authorized. Existing paths will be allowed to remain in their current condition.

Generally, new foot path permits will not be issued in areas classified as Wildlife Management, Project Operations, and High Density in the most current *Greers Ferry Lake Master Plan*.

DEAD TREES AND LIMB HAZARDS

Cutting of dead trees without a Letter of Permission (LOP) is prohibited. Dead trees which have fallen to the ground within a vegetation modification permitted area may be cut up and removed from permitted area but must remain on Government property for wildlife habitat. Trees which have fallen to the ground outside a vegetation modification permitted area must be left, unless it is impeding a permitted path. Standing dead trees require a separate LOP issued by USACE. Dead, standing trees that present a potential hazard to a permanent structure or pose a safety threat to fall on a designated foot path or structure may be approved for felling. Dead, standing trees within a vegetative management permitted area may be allowed to be cut. With approval, dead or live limbs may be cut if causing a hazard to a structure or obstructing the designated foot path.

OTHER SHORELINE USE PERMITS

SKI COURSES

No new ski course permits will be issued on Greers Ferry Lake. Current permits with the Corps of Engineers will be considered for renewal annually. Applicants are advised that the permit does not convey exclusive use of the ski course. The general public must be allowed to use the ski course free of charge.

EROSION CONTROL

When bank erosion occurs on Greers Ferry Lake, certain measures may be approved to prevent further erosion. Federally funded erosion control is limited to protecting the Government's investment in the Greers Ferry Lake Project, such as the dam, overflow structure, or the shoreline of a park or other public use areas. Adjoining landowners may apply for a permit(s) to complete a bank stabilization project, subject to all current Federal, State and local laws and regulations. Potential applicants should contact the Greers Ferry Lake Project Office for current specific requirements. For additional information see Exhibit C, Shoreline Erosion Control.

AMBULATORY ASSISTANCE VEHICLE (AAV) LETTER OF PERMISSION

Individuals with permanent, physical impairments which require aids of mobility may apply to receive a Letter of Permission (LOP) to operate a golf cart and/or all-terrain vehicle (ATV or utility terrain vehicle, UTV) on public property to gain access to their boat dock. Operation of an authorized vehicle will be limited to a permitted maximum six-foot wide path to provide access to the dock or the shoreline. Generally, applicants will be listed on a current *Shoreline Use Permit* or reside in the household of the permittee. AAV LOPs may only be issued on public lands classified as Low Density or Vegetation Management areas.

The applicant must submit a request for an AAV LOP. The request will include name, address, telephone number, site location, and a letter from a medical professional indicating the applicant's permanent physical limitations for access to the shoreline. The information submitted will not be released to the general public except in accordance with the Freedom of Information Act (FOIA) and the Privacy Act of 1974.

All applications will be considered on an individual basis by the Operations Project Manager based on environmental impacts. A request for a LOP to operate a vehicle on a site that presents a severe slope, unsafe terrain features, and/or bluffs may be denied at the discretion of the Operations Project Manager. Environmental degradation from AAV traffic on steep grades will result in only foot traffic being authorized.

The following are terms and conditions of the AAV LOP. Abuse of any of these conditions are grounds for termination of the AAV LOP:

- The AAV LOP is granted to the applicant only;
- Only golf carts, ATVs, or UTVs are allowed;
- The AAV LOP is for the sole purpose of transporting the LOP holder;
- The vehicle will only be driven on a designated permitted path;
- The access path will comply with the conditions in the *Shoreline Management Plan for Greers Ferry Lake* for a pedestrian foot path;
- The path will not exceed six (6) feet in width and must follow a meandering route;
- Digging, placement of fill material, or constructions of bridges will not be allowed;
- Applicants must own land adjoining public land or be listed on a current *Shoreline Use Permit* or reside in the household of the permittee;
- The AAV LOP does not give the Applicant the right to operate the AAV in violation of other federal, state or local laws including traffic regulations or ordinances. Applicants assume the risks associated with of operation of their AAV in violation of all applicable laws. Applicants further assume the risks associated with all unsafe operation of their AAV including operation on public roads as well as federal property;
- Applicant must have a copy of their AAV LOP readily available to provide proof of permission and/or attach it to the vehicle so it can be easily seen if away from the vehicle;
- The AAV LOP is granted for the same period of time as the *Shoreline Use Permit* and may be terminated pending future changes in policies;

- The path will be covered with no less than 4 inches of undyed wood chips to prevent erosion. The applicant must maintain 4 inches of wood chips along the path at all times and the path will be inspected for compliance;
- LOP are non-transferable and subject to cancellation because of misuse or environmental damages.

UNAUTHORIZED ACTIVITIES AND VIOLATIONS

All *Shoreline Use Permits* are issued and enforced in accordance with the provisions of *Title 36, Chapter III, Part 327, Code of Federal Regulations*. Any activities, other than public recreational activities or unimproved pedestrian access, which are not covered by a *Shoreline Use Permit* or license will be considered an encroachment or trespass of Government property. These unauthorized activities are considered violations of the rules and regulations contained in *Title 36, Chapter III, Part 327, Code of Federal Regulations*. Violations can result in enforcement actions such as but not limited to removal, restitution, restoration, permit revocation, access restrictions, issuance of a citation requiring the payment of a fine and/or the appearance before a Federal Magistrate and/or recovery of damages through civil litigation, etc.

PLACEMENT OF PERSONAL PROPERTY ON PUBLIC LANDS

Personal property is not to be placed or stored on public lands. This includes, but is not limited to items such as sheds, furniture, outdoor decor, swing sets, bird baths, firewood, boats, lights and lighting, hammocks, fire pits, fencing, trailers, rope swings, etc. Slides, water trampolines, swim platforms, tires, courtesy type docks, or other floating water toys are not allowed to be left on Government property. Fixtures or lights cannot be affixed to trees or along paths on Government property. No extension cords allowed.

SHORELINE TIE-UP OF VESSELS

Temporary shoreline tie-up is defined as the intermittent moorage of private watercraft along the shoreline during a period of recreational activity, not to exceed 24 hours of non-use. Tires, mats, ladders, ramps, docks, etc., may not be placed on the shoreline for mooring of vessels. All vessels shall be removed from Government property if not in actual use. Habitation is not allowed on Government lands or waters; however, the temporary use of a houseboat for recreational purposes is allowed, not to exceed 14 days. Houseboats may be tied to the shoreline (outside of public uses areas) for overnight moorage when being used for recreational purposes. Watercraft owners needing non-temporary moorage of vessels are encouraged to contact local marinas or apply for a private floating facility permit. Mooring buoys are not allowed.

BURNING

In general, any burning must be performed on private property and in accordance to applicable state and local laws. In special circumstances, for instance after a flood event, permits for limited burning of debris and driftwood may be approved by Operations Project Manager.

ENFORCEMENT STANDARDS

Owners of permitted facilities and permittees will be held accountable to the conditions of the permit. The enforcement standards listed below will be considered for Greers Ferry Lake in order to maintain compliance.

Depending on the severity of the case, the following enforcement standards will be applied:

1st Offense: Citation with letter of warning of consequences for future offenses up to recommendation of revocation of the permit.

2nd Offense: Restrict use of permit i.e. path, boat stall(s), by barricading stall(s) or dock, for a period of up to two years, regardless of sale of stall(s) or dock up to recommendation of revocation of the permit.

3rd Offense: Recommendation to the District Commander for revocation of the permit or removal/permanent barricading of the stall(s), regardless of sale of stall(s) or dock. Violating owner of permitted facilities and/or stalls shall not be allowed stall ownership in another dock for a period of up to 10 years. A recommendation may also be made to the Chief of Real Estate for termination of the outgrant if applicable.

*If permit expires during periods of noncompliance, a new permit may not be issued and the dock must be removed from Government property at the owner's expense (unauthorized structure). If the violation includes an unauthorized vegetation modification to include, but not limited to, destruction of Government property, trespass, mowing/underbrushing outside of a permitted area, chemical application and/or unauthorized limbing or cutting of trees, restitution for damages must be made to the satisfaction of the Operations Project Manager which could include payment for damages and/or restoration or mitigation of the area at the violator's expense.

APPEALS PROCESS

Shoreline use decisions may be appealed based on evidence of an administrative error to supervisory levels above that of the original decision. The appeal process will be afforded to individuals petitioning for shoreline use. Appeals may be forwarded to the Chief, Operations Division for a final decision. To request such an administrative appeal, an individual must submit a written request for action within ninety (90) days of the decision. The request should be accompanied by appropriate supporting documentation (letter, maps, diagrams, copies of correspondence, doctor's letters, etc.) and mailed to Commander, Little Rock District, U.S. Army Corps of Engineers, ATTN: Chief, Operations Division, P.O. Box 867, Little Rock, Arkansas 72203-0867.

FACILITIES REQUIRING AN OUTGRANT

Outgrants, such as licenses and easements, are real estate instruments and are governed by USACE real estate regulations. All real estate instruments are administered by the Corps of Engineers Real Estate Division. This section discusses only those uses associated with private shoreline use of public lands. Uses of the project for the general public, such as public roads and

highways or electric distribution lines are not discussed in this *Shoreline Management Plan for Greers Ferry Lake*.

A real estate instrument is required for the installation and maintenance of certain land-based facilities such as roads, parking areas, boat launching facilities, steps/stairs, electric lines or waterlines. In general, new outgrants will not be issued for residential amenities, such as waterlines, tramways or private electric service lines. Renewal of outgrants for existing structures may be reissued in accordance with current rules, regulations, and policies in place at the time of expiration or termination.

Fees will be collected for specific facilities prior to the issuance of an outgrant. These fees are separate from any *Shoreline Use Permit* fees for permitted activities or facilities.

Individuals issued an outgrant must agree to give the Chief, Real Estate Division or his/her representative access across their properties for the purpose of inspecting outgranted facilities or other activities.

New tramways will not be authorized.

APPLICATION

NEW

Applicants requesting a land-based facility must submit a written request to the Greers Ferry Lake Project Office. The request must include all required documents including a map showing where the structure will cross public land, a legal description of the area of the facility and proof of ownership of the land of or access to the land adjoining Government property, and any other pertinent information (i.e. plans and specifications). Contact the Greers Ferry Lake Project Office for current requirements.

CHANGE OF OWNERSHIP OF EXISTING STRUCTURE

Applicants requesting a change of grantee of a land-based structure outgrant must submit a written request to the Greers Ferry Lake Project Office. The request must include proof of ownership of the land adjoining Government property at the point the facility enters Government property. Other documents may also be required. Contact the Greers Ferry Lake Project Office for current requirements.

RENEWAL

Current grantees may request to “renew” expiring outgrants by submitting a written request to the Greers Ferry Lake Project Office stating the intent to have the real estate instrument reissued to them. Other documents may also be required. Contact the Greers Ferry Lake Project Office for current requirements.

ELECTRIC LINES

Existing electrical services, either located on Corps of Engineers property or when supplying electricity to floating facilities, must meet the standards set by the current National Electrical Code (NEC) and current Corps of Engineers, Little Rock District Dock Electrical Systems handout. Licenses are not required for solar or other alternative electrical systems that are contained entirely upon a permitted boat dock.

Real Estate Outgrants will not be issued for new electric service to private floating facilities. Electric service for new floating facilities and those existing facilities without service must be supplied from an alternative power source (i.e. solar). This service must be installed and maintained to the standards established by the current NEC and current Corps of Engineers, Little Rock District Dock Electrical Systems requirements.

Existing licensed electric lines providing service to private floating facilities or to provide shoreline lighting for security will be allowed to remain. All electric service must be maintained in a safe working condition and meet Corps of Engineers standards (including license/easement and *Shoreline Management Plan for Greers Ferry Lake* conditions), meet all local and state codes, and meet all requirements of the NEC and current Corps of Engineers, Little Rock District Dock Electrical Systems requirements.

ROADS, PARKING AREAS, AND BOAT LAUNCHING RAMPS

Construction of new roads, turnarounds, parking areas and boat launching ramps will only be considered when the following conditions are met:

1. Request is in compliance with the *Greers Ferry Lake Master Plan* land classifications;
2. Requested by a Government entity;
3. No other alternative exists on privately owned lands;
4. The use will not interfere with project purposes and is located within the “Low Density” land classification designation in the *Greers Ferry Lake Master Plan*;
5. Access to the facility is by public road or is guaranteed by legally dedicated right of access through private property;
6. The use is considered an integral part of a boat-launching ramp facility;
7. The proposed new boat launching facility is greater than three shoreline miles from the nearest public ramp at conservation pool, or if there is an existing ramp in the area, but it cannot be modified to meet the current demand;
8. The improvements are sited or routed to minimize impacts to the natural and cultural resources;
9. Public lands are not severed and isolated rendering them too small for beneficial use;
10. Archeological survey must be completed, if required, and all archeological sites avoided;
11. Mitigation for environmental damage must be evaluated, valued, and agreed to by the Operations Project Manager.

STAIRS/STEPS

Authorization to build new steps/stairs for access to an approved dock location will be considered on a case by case basis. An outgrant for steps/stairs will only be considered when shoreline conditions have proven to significantly impact the access of the applicant, and;

- The slope exceeds 20 percent; and
- No other access opportunity is available within 100 feet of the closest point to the requested location.

When changes in topography caused by natural events (i.e. floods) occur, and previously approved access has been deemed impractical, applicants may request to build steps/stairs to access the existing dock location. Requests will be considered on a case by case basis.

Existing outgranted steps or stairs will be allowed to remain, in accordance with the regulations in place at the time of renewal, so long as they are maintained in safe working condition and meet USACE standards (including license/easement and *Shoreline Management Plan for Greers Ferry Lake* conditions).

All facilities must be available for public use. Steps/stairs will be approved for pedestrian ingress/egress only. Steps/stairs may not be constructed as to attach to, or facilitate the walkway of a floating facility. Steps/stairs must be in an LDA and lead to a boat dock.

STEPS

The placement of an acceptable material on the ground to serve as stepping aides for pedestrian ingress/egress to the approved dock location, regardless of quantity, spacing, or rise over run measurements, will be considered as steps and will be outgranted through a real estate license. The proposed route must be meandering and follow the natural contour of the ground surface. Construction materials should be as unobtrusive to the natural shoreline as possible. Acceptable materials include native stone, earth-tone landscape blocks/stones, 6 inch by 6 inch treated timbers, etc. If mortar is used, it must be black or brown to blend in with the terrain. Gravel or non-natural materials are used only as needed to prevent erosion. Steps should be 8 to 10 inches wide with risers not greater than 5 to 8 inches high. Handrails are not required, but if placed, shall be constructed with a top rail 42-inches in height and a guardrail located 22-inches below the top rail and must be able to withstand 200 pounds applied in any direction with minimal deflection.

STAIRS

Stairs will only be considered when the terrain is too steep or unstable for the placement of steps. Stairs must be painted or stained to be minimally intrusive and blend in with the natural environment. Brightly painted or otherwise visually conspicuous stairs will not be allowed. The stairs must be securely anchored and made of wood, metal, tinted concrete or native materials. Treads should be 8 to 10 inches wide with risers not greater than 5 to 8 inches high and a maximum of 4 feet wide. Handrails and guardrails are required and shall be constructed with a top rail 42-inches in height and a guardrail located 22-inches below the top rail and must be able to withstand 200 pounds applied in any direction with minimal deflection.

SPECIAL TOPICS

MARINE SANITATION DEVICES AND HOUSEBOATS

The discharge of any type of effluent in the water of Little Rock District lakes is prohibited. All permanently installed boat toilets must have a U.S. Coast Guard certified Marine Sanitation Device (MSDs). The use of any type of MSD other than a U.S. Coast Guard approved "no discharge" type is prohibited. Proof of State certification must be displayed on the vessel. Only approved marine pump out locations may be used to discharge effluent. Houseboats/vessels with MSDs must be permanently moored at commercial marinas. All vessels, commercial boating facilities, docks, and marinas are subject to the Arkansas marine sanitation laws at Arkansas Code Annotated §§ 27-101-407 to 27-101-414.

Houseboats are/will not be permitted to be moored at private docks. Houseboats are defined as a vessel that has been designed or modified to be used as a dwelling, or capable of being used as a dwelling. These boats are typically wide-beamed, flat bottom or pontoon supported, high-sided with large interior area, and have accommodations that could support longer-term living and occupancy.

All vessels in private docks must be 28 feet or less and must not have a MSD. All vessels over 28 feet, vessels with MSDs, houseboats and sailboats shall be moored at commercial marina concessionaire locations. All vessels shall be moored in stalls and shall not be tied to the outside of a dock. Private docks and multiple-owner docks which have historically moored vessels over 28 feet and sailboats may be allowed to continue to moor these vessels until the dock is sold/transferred. A list of these facilities is on file at the Greers Ferry Lake Project Office.

All permanently installed boat toilets must have a U.S. Coast Guard certified MSDs. The use of any type of MSD other than a U.S. Coast Guard approved "no discharge" type is prohibited. Proof of state certification must be displayed on the vessel. Only approved marine pump out locations may be used. The discharge of this type of effluent in the waters of Little Rock District lakes, including Greers Ferry Lake, is prohibited.

LIMITED MOTEL/RESORT LEASES

Limited Motel/Resorts are quasi-public recreational facilities located on public land, owned and operated by individuals for commercial purposes. The resort is located on private property and is operated along with supporting facilities on outgranted public land. The facilities on public land are open to registered overnight resort guests only. At the time of writing this plan, there are 4 existing Limited Motel/Resort Leases on Greers Ferry Lake. These leases are managed and administered under a Little Rock District regulation that requires the lease facilities follow the applicable *Shoreline Management Plan for Greers Ferry Lake* to the maximum extent possible, under the binding lease agreement.

NO WAKE AND OTHER REGULATORY BUOYS

"No Wake" and other regulatory buoys to support private floating facilities will not be approved for use on Greers Ferry Lake.

CHANGES AND REVISIONS

Natural Resources Management personnel will continually work to protect and manage shoreline uses at Greers Ferry Lake in a manner to promote the safe and healthful use by the public while maintaining environmental safeguards to ensure a quality resource for use by the public. When needed, the *Shoreline Management Plan for Greers Ferry Lake* will be revised to better accomplish this. At a minimum, the *Shoreline Management Plan for Greers Ferry Lake* will be reviewed every five years, at which time minor changes in the *Shoreline Management Plan for Greers Ferry Lake* may be approved by the District Engineer. When major revisions to the *Shoreline Management Plan for Greers Ferry Lake* are needed, including any changes in the Shoreline Allocations, 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 National Environmental Policy Act (NEPA) documentation will be considered.

Rezoning requests for Limited Development Areas (dock zones) will not be accepted or considered in future reviews.

CONTACT INFORMATION

Greers Ferry Lake USACE personnel are available to address requests or questions concerning the *Shoreline Management Plan for Greers Ferry Lake* and its policies. The Greers Ferry Lake Project Office is located at 700 Heber Springs North in Heber Springs, Arkansas. You may contact Greers Ferry Lake Project Office at 501-362-2416 or via email at ceswl-gf@usace.army.mil.

EXHIBIT A: TITLE 36, PART 327

Title 36: Parks, Forests, and Public Property

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

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

Sec.

327.0 Applicability.
327.1 Policy.
327.2 Vehicles.
327.3 Vessels.
327.4 Aircraft.
327.5 Swimming.
327.6 Picnicking.
327.7 Camping.
327.8 Hunting, fishing, and trapping.
327.9 Sanitation.
327.10 Fires.
327.11 Control of animals.
327.12 Restrictions.
327.13 Explosives, firearms, other weapons and fireworks.
327.14 Public property.
327.15 Abandonment and impoundment of personal property.
327.16 Lost and found articles.
327.17 Advertisement.
327.18 Commercial activities.
327.19 Permits.
327.20 Unauthorized structures.
327.21 Special events.
327.22 Unauthorized occupation.
327.23 Recreation use fees.
327.24 Interference with Government employees.
327.25 Violations of rules and regulations.
327.26 State and local laws.
327.27–327.29 [Reserved]
327.30 Shoreline Management on Civil Works Projects.
327.31 Shoreline management fee schedule.
AUTHORITY: 16 U.S.C. 460d; 16 U.S.C. 4601–6a; Sec. 210, Pub. L. 90–483, 82 Stat. 746.; 33 U.S.C. 1, 28 Stat. 362.

SOURCE: 50 FR 35556, Sept. 3, 1985, unless otherwise noted.

§ 327.0 Applicability.

The regulations covered in this part 327 shall be applicable to water resources development projects, completed or under construction, administered by the Chief of Engineers, and to those portions of jointly administered water resources development projects which are under the administrative jurisdiction of the Chief of Engineers. All other Federal, state and local laws and regulations remain in full force and effect where applicable to those water resources development projects.

[65 FR 6898, Feb. 11, 2000]

§ 327.1 Policy.

(a) It is the policy of the Secretary of the Army, acting through the Chief of Engineers, to manage the natural, cultural and developed resources of each project in the public interest, providing the public with safe and healthful recreational opportunities while protecting and enhancing these resources.

(b) Unless otherwise indicated in this part, the term “District Commander” shall include the authorized representatives of the District Commander.

(c) The term “project” or “water resources development project” refers to the water areas of any water resources development project administered by the Chief of Engineers, without regard to ownership of underlying land, to all lands owned in fee by the Federal Government and to all facilities therein or thereon of any such water resources development project.

(d) All water resources development projects open for public use shall be available to the public without regard to sex, race, color, creed, age, nationality or place of origin. No lessee, licensee, or concessionaire providing a service to the public shall discriminate against any person because of sex, race, creed, color, age, nationality or place of origin in the conduct of the operations under the lease, license or concession contract.

(e) In addition to the regulations in this part 327, all applicable Federal, state and local laws and regulations remain in full force and effect on project lands or waters which are outgranted by the District Commander by lease, license or other written agreement.

(f) The regulations in this part 327 shall be deemed to apply to those lands and waters which are subject to treaties and Federal laws and regulations concerning the rights of Indian Nations and which lands and waters are incorporated, in whole or in part, within water resources development projects administered by the Chief of Engineers, to the extent that the regulations in this part 327 are not inconsistent with such treaties and Federal laws and regulations.

(g) Any violation of any section of this part 327 shall constitute a separate

violation for each calendar day in which it occurs.

(h) For the purposes of this part 327, the operator of any vehicle, vessel or aircraft as described in this part, shall be presumed to be responsible for its use on project property. In the event where an operator cannot be determined, the owner of the vehicle, vessel, or aircraft, whether attended or unattended, will be presumed responsible.

Unless proven otherwise, such presumption will be sufficient to issue a citation for the violation of regulations applicable to the use of such vehicle, vessel or aircraft as provided for in § 327.25.

(i) For the purposes of this part 327, the registered user of a campsite, picnic area, or other facility shall be presumed to be responsible for its use. Unless proven otherwise, such presumption will be sufficient to issue a citation for the violation of regulations applicable to the use of such facilities as provided for in § 327.25.

[65 FR 6898, Feb. 11, 2000]

§ 327.2 Vehicles.

(a) This section pertains to all vehicles, including, but not limited to, automobiles, trucks, motorcycles, mini-bikes, snowmobiles, dune buggies, all-terrain vehicles, and trailers, campers, bicycles, or any other such equipment.

(b) Vehicles shall not be parked in violation of posted restrictions and regulations, or in such a manner as to obstruct or impede normal or emergency traffic movement or the parking of other vehicles, create a safety hazard, or endanger any person, property or environmental feature. Vehicles so parked are subject to removal and impoundment at the owner’s expense.

(c) The operation and/or parking of a vehicle off authorized roadways is prohibited except at locations and times designated by the District Commander. Taking any vehicle through, around or beyond a restrictive sign, recognizable barricade, fence, or traffic control barrier is prohibited.

(d) Vehicles shall be operated in accordance with posted restrictions and regulations.

(e) No person shall operate any vehicle in a careless, negligent or reckless

manner so as to endanger any person, property or environmental feature.

(f) At designated recreation areas, vehicles shall be used only to enter or leave the area or individual sites or facilities unless otherwise posted.

(g) Except as authorized by the District Commander, no person shall operate any motorized vehicle without a proper and effective exhaust muffler as defined by state and local laws, or with an exhaust muffler cutout open, or in any other manner which renders the exhaust muffler ineffective in muffling the sound of engine exhaust.

(h) Vehicles shall be operated in accordance with applicable Federal, state and local laws, which shall be regulated by authorized enforcement officials as prescribed in § 327.26.

[65 FR 6899, Feb. 11, 2000]

§ 327.3 Vessels.

(a) This section pertains to all vessels or watercraft, including, but not limited to, powerboats, cruisers, houseboats, sailboats, rowboats, canoes, kayaks, personal watercraft, and any other such equipment capable of navigation on water or ice, whether in motion or at rest.

(b) The placement and/or operation of any vessel or watercraft for a fee or profit upon project waters or lands is prohibited except as authorized by permit, lease, license, or concession contract with the Department of the Army. This paragraph shall not apply to the operation of commercial tows or passenger carrying vessels not based at a Corps project which utilize project waters as a link in continuous transit over navigable waters of the United States.

(c) Vessels or other watercraft may be operated on the project waters, except in prohibited or restricted areas, in accordance with posted regulations and restrictions, including buoys. All vessels or watercraft so required by applicable Federal, state and local laws shall display an appropriate registration on board whenever the vessel is on project waters.

(d) No person shall operate any vessel or other watercraft in a careless, negligent, or reckless manner so as to endanger any person, property, or environmental feature.

(e) All vessels, when on project waters, shall have safety equipment, including personal flotation devices, on board in compliance with U.S. Coast flight devices or any other such equipment.

(b) The operation of aircraft on project lands at locations other than those designated by the District Commander is prohibited. This provision shall not be applicable to aircraft engaged on official business of Federal,

state or local governments or law enforcement agencies, aircraft used in emergency rescue in accordance with the directions of the District Commander or aircraft forced to land due to circumstances beyond the control of the operator.

(c) No person shall operate any aircraft while on or above project waters or project lands in a careless, negligent or reckless manner so as to endanger any person, property or environmental feature.

(d) Nothing in this section bestows authority to deviate from rules and regulations or prescribed standards of the appropriate State Aeronautical Agency, or the Federal Aviation Administration, including, but not limited to, regulations and standards concerning pilot certifications or ratings, and airspace requirements.

(e) Except in extreme emergencies threatening human life or serious property loss, the air delivery or retrieval of any person, material or equipment by parachute, balloon, helicopter or other means onto or from project lands or waters without written permission of the District Commander is prohibited.

(f) In addition to the provisions in paragraphs (a) through (e) of this section, seaplanes are subject to the following restrictions:

(1) Such use is limited to aircraft utilized for water landings and takeoff, in this part called seaplanes, at the risk of owner, operator and passenger(s).

(2) Seaplane operations contrary to the prohibitions or restrictions established by the District Commander (pursuant to part 328 of this title) are prohibited. The responsibility to ascertain whether seaplane operations are prohibited or restricted is incumbent upon the person(s) contemplating the use of, or using, such waters.

(3) All operations of seaplanes while upon project waters shall be in accordance with U.S. Coast Guard navigation rules for powerboats or vessels and § 327.3.

(4) Seaplanes on project waters and lands in excess of 24 hours shall be securely moored at mooring facilities and at locations permitted by the District Commander. Seaplanes may be temporarily moored on project waters and lands, except in areas prohibited by the District Commander, for periods less than 24 hours providing:

(i) The mooring is safe, secure, and accomplished so as not to damage the rights of the Government or members of the public, and

(ii) The operator remains in the vicinity of the seaplane and reasonably available to relocate the seaplane if

necessary.

(5) Commercial operation of seaplanes from project waters is prohibited without written approval of the District Commander following consultation with and necessary clearance from the Federal Aviation Administration (FAA) and other appropriate public authorities and affected interests.

(6) Seaplanes may not be operated at Corps projects between sunset and sunrise unless approved by the District Commander.

[65 FR 6899, Feb. 11, 2000]

§ 327.5 Swimming.

(a) Swimming, wading, snorkeling or scuba diving at one's own risk is permitted, except at launching sites, designated mooring points and public docks, or other areas so designated by the District Commander.

(b) An international diver down, or inland diving flag must be displayed during underwater activities.

(c) Diving, jumping or swinging from trees, bridges or other structures which cross or are adjacent to project waters is prohibited.

[65 FR 6900, Feb. 11, 2000]

§ 327.6 Picnicking.

Picnicking and related day-use activities are permitted, except in those areas where prohibited by the District Commander.

[65 FR 6900, Feb. 11, 2000]

§ 327.7 Camping.

(a) Camping is permitted only at sites and/or areas designated by the District Commander.

(b) Camping at one or more campsites at any one water resource project for a period longer than 14 days during any 30-consecutive-day period is prohibited without the written permission of the District Commander.

(c) The unauthorized placement of camping equipment or other items on a campsite and/or personal appearance at a campsite without daily occupancy for the purpose of reserving that campsite for future occupancy is prohibited.

(d) The digging or leveling of any ground or the construction of any structure without written permission of the District Commander is prohibited.

(e) Occupying or placement of any camping equipment at a campsite which is posted or otherwise marked or indicated as "reserved" without an authorized reservation for that site is prohibited.

[65 FR 6900, Feb. 11, 2000]

§ 327.8 Hunting, fishing, and trapping.

(a) Hunting is permitted except in areas and during periods where prohibited by the District Commander.

(b) Trapping is permitted except in areas and during periods where prohibited by the District Commander.

(c) Fishing is permitted except in

swimming areas, on boat ramps or other areas designated by the District Commander.

(d) Additional restrictions pertaining to these activities may be established by the District Commander.

(e) All applicable Federal, State and local laws regulating these activities apply on project lands and waters, and shall be regulated by authorized enforcement officials as prescribed in § 327.26.

[65 FR 6900, Feb. 11, 2000]

§ 327.9 Sanitation.

(a) Garbage, trash, rubbish, litter, gray water, or any other waste material or waste liquid generated on the project and incidental to authorized recreational activities shall be either removed from the project or deposited in receptacles provided for that purpose. The improper disposal of such wastes, human and animal waste included, on the project is prohibited.

(b) It is a violation to bring onto a project any household or commercial garbage, trash, rubbish, debris, dead animals or litter of any kind for disposal or dumping without the written permission of the District Commander. For the purposes of this section, the owner of any garbage, trash, rubbish, debris, dead animals or litter of any kind shall be presumed to be responsible for proper disposal. Such presumption will be sufficient to issue a citation for violation.

(c) The spilling, pumping, discharge or disposal of contaminants, pollutants or other wastes, including, but not limited to, human or animal waste, petroleum, industrial and commercial products and by-products, on project lands or into project waters is prohibited.

(d) Campers, picnickers, and all other persons using a water resources development project shall keep their sites free of trash and litter during the period of occupancy and shall remove all personal equipment and clean their sites upon departure.

(e) The discharge or placing of sewage, galley waste, garbage, refuse, or pollutants into the project waters from any vessel or watercraft is prohibited. [65 FR 6900, Feb. 11, 2000]

§ 327.10 Fires.

(a) Gasoline and other fuels, except that which is contained in storage tanks of vehicles, vessels, camping equipment, or hand portable containers designed for such purpose, shall not be carried onto or stored on the project without written permission of the District Commander.

(b) Fires shall be confined to those areas designated by the District Commander, and shall be contained in fireplaces, grills, or other facilities designated

for this purpose. Fires shall not be left unattended and must be completely extinguished prior to departure.

The burning of materials that produce toxic fumes, including, but not limited to, tires, plastic and other floatation materials or treated wood products is prohibited. The District Commander may prohibit open burning of any type for environmental considerations.

(c) Improper disposal of lighted smoking materials, matches or other burning material is prohibited. [65 FR 6900, Feb. 11, 2000]

§ 327.11 Control of animals.

(a) No person shall bring or allow dogs, cats, or other pets into developed recreation areas or adjacent waters unless penned, caged, on a leash under six feet in length, or otherwise physically restrained. No person shall allow animals to impede or restrict otherwise full and free use of project lands and waters by the public. No person shall allow animals to bark or emit other noise which unreasonably disturbs other people. Animals and pets, except properly trained animals assisting those with disabilities (such as seeing eye dogs), are prohibited in sanitary facilities, playgrounds, swimming beaches and any other areas so designated by the District Commander. Abandonment of any animal on project lands or waters is prohibited. Unclaimed or unattended animals are subject to immediate impoundment and removal in accordance with state and local laws.

(b) Persons bringing or allowing pets in designated public use areas shall be responsible for proper removal and disposal of any waste produced by these animals.

(c) No person shall bring or allow horses, cattle, or other livestock in camping, picnicking, swimming or other recreation areas or on trails except in areas designated by the District Commander.

(d) Ranging, grazing, watering or allowing livestock on project lands and waters is prohibited except when authorized by lease, license or other written agreement with the District Commander.

(e) Unauthorized livestock are subject to impoundment and removal in accordance with Federal, state and local laws.

(f) Any animal impounded under the provisions of this section may be confined at a location designated by the District Commander, who may assess a reasonable impoundment fee. This fee shall be paid before the impounded animal is returned to its owner(s).

(g) Wild or exotic pets and animals (including but not limited to cougars, lions, bears, bobcats, wolves, and snakes), or any pets or animals displaying

vicious or aggressive behavior or otherwise posing a threat to public safety or deemed a public nuisance, are prohibited from project lands and waters unless authorized by the District Commander, and are subject to removal in accordance with Federal, state and local laws.

[65 FR 6901, Feb. 11, 2000]

§ 327.12 Restrictions.

(a) The District Commander may establish and post a schedule of visiting hours and/or restrictions on the public use of a project or portion of a project.

The District Commander may close or restrict the use of a project or portion of a project when necessitated by reason of public health, public safety, maintenance, resource protection or other reasons in the public interest. Entering or using a project in a manner which is contrary to the schedule of visiting hours, closures or restrictions is prohibited.

(b) Quiet shall be maintained in all public use areas between the hours of 10 p.m. and 6 a.m., or those hours designated by the District Commander.

Excessive noise during such times which unreasonably disturbs persons is prohibited.

(c) Any act or conduct by any person which interferes with, impedes or disrupts the use of the project or impairs the safety of any person is prohibited. Individuals who are boisterous, rowdy, disorderly, or otherwise disturb the peace on project lands or waters may be requested to leave the project.

(d) The operation or use of any sound producing or motorized equipment, including but not limited to generators, vessels or vehicles, in such a manner as to unreasonably annoy or endanger persons at any time or exceed state or local laws governing noise levels from motorized equipment is prohibited.

(e) The possession and/or consumption of alcoholic beverages on any portion of the project land or waters, or the entire project, may be prohibited when designated and posted by the District Commander.

(f) Unless authorized by the District Commander, smoking is prohibited in Visitor Centers, enclosed park buildings and in areas posted to restrict smoking. [65 FR 6901, Feb. 11, 2000]

§ 327.13 Explosives, firearms, other weapons and fireworks.

(a) The possession of loaded firearms, ammunition, loaded projectile firing devices, bows and arrows, crossbows, or other weapons is prohibited unless:

- (1) In the possession of a Federal, state or local law enforcement officer;
- (2) Being used for hunting or fishing as permitted under § 327.8, with devices

being unloaded when transported to, from or between hunting and fishing sites;

(3) Being used at authorized shooting ranges; or

(4) Written permission has been received from the District Commander.

(b) Possession of explosives or explosive devices of any kind, including fireworks or other pyrotechnics, is prohibited unless written permission has been received from the District Commander. [65 FR 6901, Feb. 11, 2000]

§ 327.14 Public property.

(a) Destruction, injury, defacement, removal or any alteration of public property including, but not limited to, developed facilities, natural formations, mineral deposits, historical and archaeological features, paleontological resources, boundary monumentation or markers and vegetative growth, is prohibited except when in accordance with written permission of the District Commander.

(b) Cutting or gathering of trees or parts of trees and/or the removal of wood from project lands is prohibited without written permission of the District Commander.

(c) Gathering of dead wood on the ground for use in designated recreation areas as firewood is permitted, unless prohibited and posted by the District Commander.

(d) The use of metal detectors is permitted on designated beaches or other previously disturbed areas unless prohibited by the District Commander for reasons of protection of archaeological, historical or paleontological resources. Specific information regarding metal detector policy and designated use areas is available at the Manager's Office. Items found must be handled in accordance with §§ 327.15 and 327.16 except for non-identifiable items such as coins of value less than \$25. [65 FR 6901, Feb. 11, 2000]

§ 327.15 Abandonment and impoundment of personal property.

(a) Personal property of any kind shall not be abandoned, stored or left unattended upon project lands or waters. After a period of 24 hours, or at any time after a posted closure hour in a public use area or for the purpose of providing public safety or resource protection, unattended personal property shall be presumed to be abandoned and may be impounded and stored at a storage point designated by the District Commander, who may assess a reasonable impoundment fee. Such fee shall be paid before the impounded property is returned to its owner.

(b) Personal property placed on Federal lands or waters adjacent to a private residence, facility and/or developments

of any private nature for more than 24 hours without permission of the District Commander shall be presumed to have been abandoned and, unless proven otherwise, such presumption will be sufficient to impound the property and/or issue a citation as provided for in § 327.25.

(c) The District Commander shall, by public or private sale or otherwise, dispose of all lost, abandoned or unclaimed personal property that comes into Government custody or control. However, property may not be disposed of until diligent effort has been made to find the owner, heirs, next of kin or legal representative(s). If the owner, heirs, next of kin or legal representative(s) are determined but not found, the property may not be disposed of until the expiration of 120 days after the date when notice, giving the time and place of the intended sale or other disposition, has been sent by certified or registered mail to that person at the last known address. When diligent efforts to determine the owner, heirs, next of kin or legal representative(s) are unsuccessful, the property may be disposed of without delay except that if it has a fair market value of \$100 or more the property may not be disposed of until 90 days after the date it is received at the storage point designated by the District Commander. The net proceeds from the sale of property shall be conveyed into the Treasury of the United States as miscellaneous receipts. [65 FR 6901, Feb. 11, 2000]

§ 327.16 Lost and found articles.

All articles found shall be deposited by the finder at the Manager's office or with a ranger. All such articles shall be disposed of in accordance with the procedures set forth in § 327.15. [65 FR 6902, Feb. 11, 2000]

§ 327.17 Advertisement.

(a) Advertising and the distribution of printed matter is allowed within project land and waters provided that a permit to do so has been issued by the District Commander and provided that this activity is not solely commercial advertising.

(b) An application for such a permit shall set forth the name of the applicant, the name of the organization (if any), the date, time, duration, and location of the proposed advertising or the distribution of printed matter, the number of participants, and any other information required by the permit application form. Permit conditions and procedures are available from the District Commander.

(c) Vessels and vehicles with semipermanent or permanent painted or installed signs are exempt as long as they are used for authorized recreational

activities and comply with all other rules and regulations pertaining to vessels and vehicles.

(d) The District Commander shall, without unreasonable delay, issue a permit on proper application unless:

(1) A prior application for a permit for the same time and location has been made that has been or will be granted and the activities authorized by that permit do not reasonably allow multiple occupancy of the particular area; or

(2) It reasonably appears that the advertising or the distribution of printed matter will present a clear and present danger to the public health and safety; or

(3) The number of persons engaged in the advertising or the distribution of printed matter exceeds the number that can reasonably be accommodated in the particular location applied for, considering such things as damage to project resources or facilities, impairment of a protected area's atmosphere of peace and tranquility, interference with program activities, or impairment of public use facilities; or

(4) The location applied for has not been designated as available for the advertising or the distribution of printed matter; or

(5) The activity would constitute a violation of an applicable law or regulation.

(e) If a permit is denied, the applicant shall be so informed in writing, with the reason(s) for the denial set forth.

(f) The District Commander shall designate on a map, which shall be available for inspection in the applicable project office, the locations within the project that are available for the advertising or the distribution of printed matter. Locations may be designated as not available only if the advertising or the distribution of printed matter would:

(1) Cause injury or damage to project resources; or

(2) Unreasonably impair the atmosphere of the peace and tranquility maintained in natural, historic, or commemorative zones; or

(3) Unreasonably interfere with interpretive, visitor service, or other program activities, or with the administrative activities of the Corps of Engineers; or

(4) Substantially impair the operation of public use facilities or services of Corps of Engineers concessioners or contractors.

(5) Present a clear and present danger to the public health and safety.

(g) The permit may contain such conditions as are reasonably consistent

with protection and use of the project area for the purposes for which it is established.

(h) No permit shall be issued for a period in excess of 14 consecutive days, provided that permits may be extended for like periods, upon a new application, unless another applicant has requested use of the same location and multiple occupancy of that location is not reasonably possible.

(i) It is prohibited for persons engaged in the activity under this section to obstruct or impede pedestrians or vehicles, harass project visitors with physical contact or persistent demands, misrepresent the purposes or affiliations of those engaged in the advertising or the distribution of printed matter, or misrepresent whether the printed matter is available without cost or donation.

(j) A permit may be revoked under any of those conditions, as listed in paragraph (d) of this section, that constitute grounds for denial of a permit, or for violation of the terms and conditions of the permit. Such a revocation shall be made in writing, with the reason(s) for revocation clearly set forth, except under emergency circumstances, when an immediate verbal revocation or suspension may be made, to be followed by written confirmation within 72 hours.

(k) Violation of the terms and conditions of a permit issued in accordance with this section may result in the suspension or revocation of the permit.
[65 FR 26137, May 5, 2000]

§ 327.18 Commercial activities.

(a) The engaging in or solicitation of business on project land or waters without the express written permission of the District Commander is prohibited.

(b) It shall be a violation of this part to refuse to or fail to comply with any terms, clauses or conditions of any lease, license or agreements issued by the District Commander.
[65 FR 6902, Feb. 11, 2000]

§ 327.19 Permits.

(a) It shall be a violation of this part to refuse to or fail to comply with the fee requirements or other terms or conditions of any permit issued under the provisions of this part 327.

(b) Permits for floating structures (issued under the authority of § 327.30) of any kind on/in waters of water resources development projects, whether or not such waters are deemed navigable waters of the United States but where such waters are under the management of the Corps of Engineers, shall be issued at the discretion of the District Commander under the authority of this section. District Commanders will delineate those portions

of the navigable waters of the United States where this provision is applicable and post notices of this designation in the vicinity of the appropriate Manager's office.

(c) Permits for non-floating structures (issued under the authority of § 327.30) of any kind constructed, placed in or affecting waters of water resources development projects where such waters are deemed navigable waters of the U.S. shall be issued under the provisions of section 10 of the Rivers and Harbors Act approved March 3, 1899 (33 U.S.C. 403). If a discharge of dredged or fill material in these waters is involved, a permit is required under section 404 of the Clean Water Act (33 U.S.C. 1344). (See 33 CFR parts 320 through 330.)

(d) Permits for non-floating structures (issued under the authority of § 327.30) of any kind in waters of water resources development projects, where such waters are under the management of the Corps of Engineers and where such waters are not deemed navigable waters of the United States, shall be issued as set forth in paragraph (b) of this section. If a discharge of dredged or fill material into any water of the United States is involved, a permit is required under section 404 of the Clean Water Act (33 U.S.C. 1344) (See 33 CFR parts 320 through 330). Water quality certification may be required pursuant to Section 401 of the Clean Water Act (33 U.S.C. 1341).

(e) Shoreline Use Permits to authorize private shoreline use facilities, activities or development (issued under the authority of § 327.30) may be issued in accordance with the project Shoreline Management Plan. Failure to comply with the permit conditions issued under § 327.30 is prohibited.
[65 FR 6902, Feb. 11, 2000]

§ 327.20 Unauthorized structures.

The construction, placement, or existence of any structure (including, but not limited to, roads, trails, signs, nonportable hunting stands or blinds, buoys, docks, or landscape features) of any kind under, upon, in or over the project lands, or waters is prohibited unless a permit, lease, license or other appropriate written authorization has been issued by the District Commander. The design, construction, placement, existence or use of structures in violation of the terms of the permit, lease, license, or other written authorization is prohibited. The government shall not be liable for the loss of, or damage to, any private structures, whether authorized or not, placed on project lands or waters.
Unauthorized

structures are subject to summary removal or impoundment by the District Commander. Portable hunting stands, climbing devices, steps, or blinds, that are not nailed or screwed into trees and are removed at the end of a day's hunt may be used.
[65 FR 6902, Feb. 11, 2000]

§ 327.21 Special events.

(a) Special events including, but not limited to, water carnivals, boat regattas, fishing tournaments, music festivals, dramatic presentations or other special recreation programs are prohibited unless written permission has been granted by the District Commander. Where appropriate, District Commanders can provide the state a blanket letter of permission to permit fishing tournaments while coordinating the scheduling and details of tournaments with individual projects. An appropriate fee may be charged under the authority of § 327.23.

(b) The public shall not be charged any fee by the sponsor of such event unless the District Commander has approved in writing (and the sponsor has properly posted) the proposed schedule of fees. The District Commander shall have authority to revoke permission, require removal of any equipment, and require restoration of an area to prevent condition, upon failure of the sponsor to comply with terms and conditions of the permit/permission or the regulations in this part 327.
[65 FR 6902, Feb. 11, 2000]

§ 327.22 Unauthorized occupation.

(a) Occupying any lands, buildings, vessels or other facilities within water resource development projects for the purpose of maintaining the same as a full-or part-time residence without the written permission of the District Commander is prohibited. The provisions of this section shall not apply to the occupation of lands for the purpose of camping, in accordance with the provisions of § 327.7.

(b) Use of project lands or waters for agricultural purposes is prohibited except when in compliance with terms and conditions authorized by lease, license or other written agreement issued by the District Commander.
[65 FR 6903, Feb. 11, 2000]

§ 327.23 Recreation use fees.

(a) In accordance with the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601) and the Omnibus Budget Reconciliation Act of 1993, Pub. L. 103-66, the Corps of Engineers collects day use fees, special recreation use fees and/or special permit fees for the use of specialized sites, facilities, equipment or services related to outdoor recreation furnished at Federal expense.

(b) Where such fees are charged, the

District Commander shall insure that clear notice of fee requirements is prominently posted at each area, and at appropriate locations therein and that the notice be included in publications distributed at such areas. Failure to pay authorized recreation use fees as established pursuant to Pub. L. 88-578, 78 Stat. 897, as amended (16 U.S.C. 4601-6a), is prohibited and is punishable by a fine of not more than \$100.

(c) Failure to pay authorized day use fees, and/or properly display applicable receipt, permit or pass is prohibited.
(d) Any Golden Age or Golden Access Passport permittee shall be entitled, upon presentation of such a permit, to utilize special recreation facilities at a rate of 50 percent off the established use fee at Federally operated areas.

Fraudulent use of a Golden Age or Golden Access Passport is prohibited. [65 FR 6903, Feb. 11, 2000]

§ 327.24 Interference with Government employees.

(a) It is a Federal crime pursuant to the provisions of sections 111 and 1114 of Title 18, United States Code, to forcibly assault, resist, oppose, impede, intimidate, or interfere with, attempt to kill or kill any civilian official or employee for the U.S. Army Corps of Engineers engaged in the performance of his or her official duties, or on account of the performance of his or her official duties. Such actions or interference directed against a Federal employee while carrying out the regulations in this part are violation of such regulations and may be a state crime pursuant to the laws of the state where they occur.

(b) Failure to comply with a lawful order issued by a Federal employee acting pursuant to the regulations in this part shall be considered as interference with that employee while engaged in the performance of their official duties. Such interference with a Federal employee includes failure to provide a correct name, address or other information deemed necessary for identification upon request of the Federal employee, when that employee is authorized by the District Commander to issue citations in the performance of the employee's official duties. [65 FR 6903, Feb. 11, 2000]

§ 327.25 Violations of rules and regulations.

(a) Any person who violates the provisions of the regulations in this part, other than for a failure to pay authorized recreation use fees as separately provided for in § 327.23, may be punished by a fine of not more than \$5,000 or imprisonment for not more than six months or both and may be tried and sentenced in accordance with the provisions

of section 3401 of Title 18, United States Code. Persons designated by the District Commander shall have the authority to issue a citation for violation of the regulations in this part, requiring any person charged with the violation to appear before the United States Magistrate within whose jurisdiction the affected water resources development project is located (16 U.S.C. 460d).

(b) Any person who commits an act against any official or employee of the U.S. Army Corps of Engineers that is a crime under the provisions of section 111 or section 1114 of Title 18, United States Code or under provisions of pertinent state law may be tried and sentenced as further provided under Federal or state law, as the case may be. [65 FR 6903, Feb. 11, 2000]

§ 327.26 State and local laws.

(a) Except as otherwise provided in this part or by Federal law or regulation, state and local laws and ordinances shall apply on project lands and waters. This includes, but is not limited to, state and local laws and ordinances governing:

- (1) Operation and use of motor vehicles, vessels, and aircraft;
- (2) Hunting, fishing and trapping;
- (3) Use or possession of firearms or other weapons;
- (4) Civil disobedience and criminal acts;
- (5) Littering, sanitation and pollution; and
- (6) Alcohol or other controlled substances.

(b) These state and local laws and ordinances are enforced by those state and local enforcement agencies established and authorized for that purpose. [65 FR 6903, Feb. 11, 2000]

§§ 327.27-327.29 [Reserved]

§ 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 36 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. 99-662).

(8) Title 36, 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 parts 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, hydro-electric 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 broadbased 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 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 Pub. L. 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 Pub. L. 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

1. *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-RE, 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. Requests for waivers of shoreline management plan permit conditions based on health conditions will be reviewed on a case by case basis by the Operations Manager. Efforts will be made to reduce onerous requirements when a limiting health condition is obvious or when an applicant provides a doctor's certification of need for conditions which are not obvious.

(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 onetime 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 327.20.

5. *Posting of Permit Number*

Each district will procure 53-83 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. Floats and the flotation material for all docks and boat mooring buoys shall be fabricated of materials manufactured for marine use. The float and its flotation material shall be 100% warranted for a minimum of 8 years against sinking, becoming waterlogged, cracking, peeling, fragmenting, or losing beads. All floats shall resist puncture and penetration and shall not be subject to damage by animals under normal conditions for the area. All floats and the flotation material used in them shall be fire resistant. Any float which is within 40 feet of a line carrying fuel shall be 100% impervious to water and fuel. The use of new or recycled plastic or metal drums or non-compartmentalized air containers for encasement or floats is prohibited. Existing floats are authorized until it or its flotation material is no longer serviceable, at which time it shall be replaced with a float that meets the conditions listed above. For any floats installed after the effective date of this specification, repair or replacement shall be required when it or its flotation material no longer performs its designated function or it fails to meet the specifications for which it was originally warranted.

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]
[55 FR 30697, July 27, 1990, as amended at 57 FR 21895, May 26, 1992; 57 FR 29220, July 1, 1992; 63 FR 35828, July 1, 1998]

EFFECTIVE DATE NOTE: The amendment to § 327.30 revising the last sentence of paragraph (k), published at 56 FR 29587, June 28, 1991, was deferred indefinitely. See 56 FR 49706, Oct. 1, 1991. The administrative charges contained in § 327.30, Shoreline Management on Civil Works Projects, published in the July 1, 1991 edition of the Code of Federal Regulations will remain in effect. Any future decisions affecting this regulation will be published in the FEDERAL REGISTER at a later date by the Corps of Engineers, Department of the Army. For the convenience of the user, the rule published on June 28,

1991, at FR page 29587, is set forth as follows:

§ 327.30 Shoreline Management on Civil Works Projects.

(k) *** The Fee Schedule is published in § 327.31.

§ 327.31 Shoreline management fee schedule.

A charge will be made for Shoreline Use Permits to help defray expenses associated with issuance and administration of the permits. As permits become eligible for renewal after July 1, 1976, a charge of \$10 for each new permit and a \$5 annual fee for inspection of floating facilities will be made. There will be no annual inspection fee for permits for vegetative modification on Shoreline areas. In all cases the total administrative charge will be collected initially at the time of permit issuance rather than on a piecemeal annual basis.

[56 FR 61163, Dec. 2, 1991; 56 FR 65190, Dec. 16, 1991]

EXHIBIT B: EXAMPLE OF PERMIT SIGN

Commercially produced display permit signs approximately 6 by 12 inches in size, bearing the permit number will be required for each permit issued. The tag shall be weather proof and have a white background with 4 inch red numbers. These tags will be posted on the floating facility and at the common boundary line in accordance with instructions provided by the Operations Project Manager. The permittee will be responsible for providing such signs at their expense. On land, permit signs will be placed 4 feet above ground level on a 4" x 4" wooden post placed at the common property line.



EXHIBIT C: SHORELINE EROSION CONTROL

1. Purpose. This exhibit establishes policy and provides guidance whereby individuals may perform bank stabilization to protect the shoreline of a U.S. Army Corps of Engineers project from further erosion.
2. Applicability. This regulation applies to all Little Rock District Civil Works projects.
3. Policy. When bank erosion occurs on U.S. Army Corps of Engineers lakes that are managed by the Little Rock District, certain measures may be approved by the District Engineer or his authorized representative to prevent further erosion. This exhibit establishes district shoreline management policies regarding bank stabilization. Federally funded erosion control is limited to protecting the Government's investment in the project, such as the dam, overflow structure, or the shoreline of a park or other public use areas. Private bank stabilization has previously been limited to the protection of commercial marinas and the shoreline within the commercial lease area using breakwaters and/or stabilizing structures made from wood, rock, or concrete.
4. General. The water level of a lake fluctuates because of the various requirements of flood control, hydropower, water supply, and recreation. Shoreline erosion is recognized as a natural process in the ecological cycle of a lake. Plate 1 is a typical cross section of a bank stabilization project. Any fill material placed below the ordinary high water mark requires a permit pursuant to Section 404 of the Clean Water Act. Information on Nationwide Permit Conditions for bank stabilization is available at the Greers Ferry Lake Project Office.
5. Review, Approval, and Appeal Process. Requests and plans for bank stabilization will be submitted to the Operations Project Manager for review. Requests denied by the Operations Project Manager may be appealed for reconsideration at the District level. The Operations Project Manager will forward the appeal and the reasons for denial at the project level to the Chief, Operations Division for reconsideration. Requests denied by the Chief, Operations Division may be appealed to the District Engineer. Determinations by the District Engineer are final and may not be appealed.

Permit Requirements

The extent and type of corrective measures are site specific and may vary. Shoreline protection allowed by this regulation is for bank stabilization and erosion control of the existing shoreline only to prevent further erosion. Shoreline protection for the purposes of restoring the shoreline to a previous location, landscaping, or beautification of the area will be denied. The proposed project shall be submitted to the District Engineer for Section 404 Permit evaluation if fill material will be placed below the ordinary high water mark of a specific lake. A representative of the Regulatory Branch should be contacted concerning the elevation of the ordinary high water mark.

1. General.

a. A right-of-entry from Real Estate Division may be required to obtain land-based access to the work site. For construction of a retaining wall, a Real Estate easement must be obtained prior to any work being done.

b. All bank stabilization structures will follow the existing shoreline and blend uniformly with the natural contour of the existing bank. No restoration of the shoreline to a previously existing condition will be allowed.

2. Riprap.

a. Riprap is the preferred method of bank stabilization. The stone gradation shall be equivalent to quarry-run stone with 50% of the individual stones by weight being comprised of individual stones weighing more than 25 lbs. Broken cinder blocks, bricks, asphalt, or other debris shall not be authorized.

b. Filter fabric should be used where appropriate.

4. Retaining Walls.

Generally, retaining walls will not be considered. Retaining walls may be considered on a case by case basis for unusual and compelling circumstances.

5. Construction.

a. Site preparation will be limited to obtain proper slope and stability for the structure with every effort being made not to damage shoreline vegetation. Disturbed slopes landward of the bank stabilization structure will be stabilized immediately upon completion of work and in no case more than 7 days after completion of work.

b. Removal of any trees on public lands must be approved by the Operations Project

Manager and is limited to obtain access to the work site. Replacement trees may be required for some or all trees removed at a ratio determined by the Greers Ferry Project Office.

c. Damages resulting from the activity will be restored to the satisfaction of the U.S. Army Corps of Engineers. Violations of the terms and conditions of this permit may result in the issuance of a Violation Notice requiring the payment of a fine or appearance before the U.S. Magistrate, restitution, restoration of the site, and/or revocation of all or part of the individual's *Shoreline Use Permit*.

d. Sloping or grading of the shoreline before placement of material is permitted only to the extent necessary to place the materials.

6. Special Conditions.

a. No material will be placed in special aquatic sites, including wetlands, nor will it be placed to impair surface water flow into and out of any wetland area. Wetlands are defined as areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support and under normal circumstances support a prevalence of vegetation typically adapted for life in saturated conditions. Wetlands generally include swamps, marshes, bogs, fens, and similar areas.

b. If any materials or sites of cultural, historical, or archeological significance are discovered within the project boundaries at any time preceding or during construction, the Operations Project Manager will be immediately notified and work will cease until further notice.

c. Work may not be authorized within the known habitat of a threatened or endangered species (Federal or State listed) as identified under the Endangered Species Act.

Plate 1 Typical Cross Section for Bank Stabilization

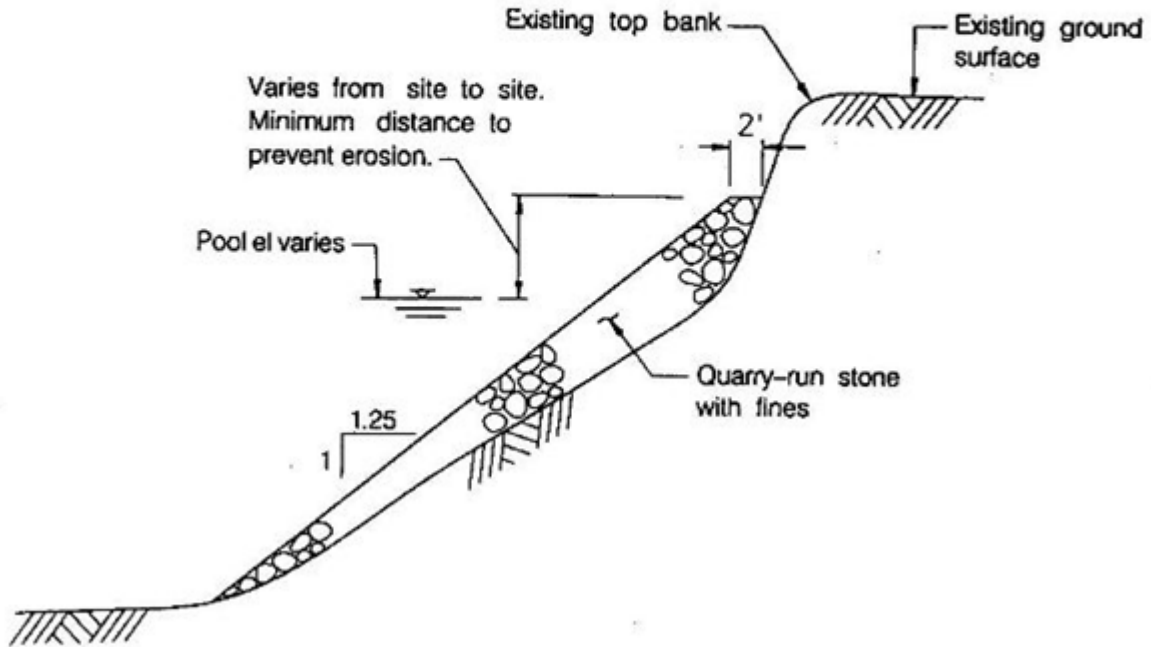


EXHIBIT D: SECTION 1134 OF THE WATER RESOURCES DEVELOPMENT ACT OF 1986 (P.L. 99-662)

SEC. 1134. CABIN SITE LEASES.

(a) On and after December 31, 1989, the Secretary shall continue in effect any lease or assignment thereof to which this section applies, until such time as such lease is terminated by the leaseholder, any successors or assigns of the leaseholder, or by the Secretary under subsection (b) of this section. Any such continuation beyond the date of expiration of such lease as in effect on December 31, 1989, shall be at fair market rentals and on such other reasonable terms and conditions not inconsistent with this section as the Secretary deems necessary. No continuation shall be made beyond such date unless the leaseholder agrees (1) to hold the United States harmless from any claim for damages or injury to persons or property arising from occupancy of or through the use of the property subject to such lease, and (2) to not unreasonably expand existing improvements.

(b)(1) On and after December 31, 1989, the Secretary and any other officer or employee of the United States shall not terminate a lease to which this section applies, except as provided in paragraph (2) of this subsection.

(2) On and after December 31, 1989, the Secretary may terminate a lease to which this section applies only if--

- (A) the property covered by the lease is needed for immediate use for public park purposes or other higher public use or for a navigation or flood control project; or
- (B) the leaseholder substantially violates a provision of such lease.

(c) Subsections (a) and (b) of this section apply to (1) any cottage site lease of property, which lease was entered into by the Secretary of the Army pursuant to section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (58 Stat. 889; 16 U.S.C. 460d), and is in effect on December 31, 1989, and (2) any assignment of such a lease.

(d) On and after December 31, 1989, no houseboat, boathouse, floating cabin, sleeping facilities at marinas, or lawfully installed dock or appurtenant structures shall be required to be removed from any Federal water resources reservoir or lake project administered by the Secretary on which it was located on the date of enactment of this Act, if (1) such property is maintained in usable and safe condition, (2) such property does not occasion a threat to life or property, and (3) the holder of the lease, permit, or license is in substantial compliance with the existing lease or license, except where necessary for immediate use for public purposes or other higher public use or for a navigation or flood control project.

(e) In any case in which a person holds a lease of property at Clarks Hill Reservoir, Georgia, which is terminated under this section on or after December 31, 1989, the Secretary shall offer for sale to such person real property at Clarks Hill Reservoir which is owned by the United States and is not needed for the project (if there is any such property). The property offered for sale shall be approximately equal in size to the property that was subject to such lease. The Secretary shall offer any such property for sale at the fair market value of the property, as determined by the Secretary. Each offer under this subsection shall be made on or before the date on which the lease is

terminated and shall be open to such person for 18 months from the time the offer is made. As a condition to a sale under this subsection, the leaseholder shall restore the property subject to the terminated lease to a condition acceptable to the Secretary.