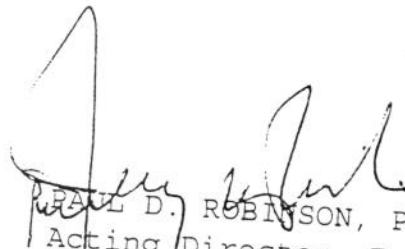


CESWD-ETO-R (CESWL-CO-ON/26 Feb 96) 1st End Mr. McCauley/7-  
2434  
SUBJECT: Shoreline Management Plan for Table Rock Lake

CDR, U.S. Army Corps of Engineers, Southwestern Division, ATTN:  
CESWD-ETO-R, 1114 Commerce Street, Dallas, TX 75242-0216  
FOR Commander, Little Rock District, ATTN: CESWL-CO-ON  
1 MAR 1996

The Shoreline Management Plan for Table Rock Lake is approved.  
FOR THE COMMANDER:

11 Encls  
wd

  
PAUL D. ROBINSON, P.E.  
Acting Director, Engineering and  
Technical Services Directorate



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
LITTLE ROCK DISTRICT, CORPS OF ENGINEERS  
POST OFFICE BOX 867  
LITTLE ROCK, ARKANSAS 72203-0867

CESWL-CO-ON (1130)

[26 FEB 1996]

MEMORANDUM FOR Commander, Southwestern Division, ATTN: CESWD-ETO-R

SUBJECT: Shoreline Management Plan for Table Rock Lake

1. The purpose of this document is to make recommendations concerning updating the Shoreline Management Plan (SMP) for Table Rock Lake. The previous update was approved 14 Feb 95.

2. Update and Review.

a. This review involved rezoning requests for changes in shoreline allocations submitted and held on file since March 1991.

b. The review of the Table Rock Lake SMP included rezoning requests at 164 sites.

c. A database summary of the recommendations was developed for each rezoning applicant (encl 1). Segment maps are furnished to delineate the proposed shoreline zoning changes for Table Rock Lake (encl 2).

3. Public Involvement. The following actions were used to notify and involve the public in the review and updating of this plan.

a. Congressional interests were notified by letter, dated 29 Mar 95, of the impending review. Written notification, dated 22 May 95, was sent to announce the time and date of the workshop and invited to attend (encl 3).

b. On 31 Mar 95, a legal notice was placed in eight local newspapers announcing 14 Apr 95 as the cut off date to accept public requests for rezoning on Table Rock Lake (encl 4).

c. A legal notice (encl 5) and news release (encl 6) were published in eight local newspapers announcing the public workshops.

d. All rezoning applicants were notified by mail that the review process was underway, and attempts were made to contact each applicant by phone to schedule appointments for the site evaluation.

CESWL-CO-ON

SUBJECT: Shoreline Management Plan for Table Rock Lake

e. Site inspections were conducted by park rangers, and evaluations were based on predetermined criteria (encl 7). The evaluation form included three questions regarding data obtained from the water-based recreational carrying capacity study, affecting the scores by plus or minus six points. No scores were entered for sites located in areas without carrying capacity information. Sites were scored based on these evaluations and those scoring 90 percent or more are recommended for approval (encl 8). Evaluations were based on a top score of 240 points. However, requests could have scored a possible 246 points if carrying capacity information were available for the location. Three sites scored in the top 10 percent, but other considerations lead to recommended disapproval. Justifications are provided (encl 9).

(1) Tramways were evaluated and scored with the original evaluation form initially. However, many of the evaluation questions did not apply for tramways. A separate evaluation form (encl 10) and scoring key (encl 11) were revised for tramways and the five affected sites were then reevaluated using the updated form. The total points available were 195.

(2) Scoring keys were modified for resort docks and courtesy docks. These facilities received special consideration due to the fact that they serve the general public. Evaluations for resort and courtesy docks must score 85 percent or more for a recommendation of approval.

f. Public workshops were held at three locations around the lake on 21, 22 and 23 Jun 95, and they were attended by 202 members of the public. Representatives from Public Affairs, Office of Counsel, Real Estate, Natural Resources Management and the Table Rock Project Office were present at each workshop session to answer questions and receive public input. A map indicating the areas of requests was available for public viewing at the workshop and at the Project Office during the comment period.

g. Written comments were accepted for 30 days following the workshop with the comment period ending 23 Jul 95. A total of 463 comments was received during the 30-day comment period. All public comments were considered prior to recommendations being rendered.

#### 4. Results.

a. Recommended Approval. Thirty-six requests were recommended for approval.

b. Recommended Denial. One hundred six requests were recommended for denial.

c. No Action Required. Twenty-two requests were withdrawn.

CESWL-CO-ON

SUBJECT: Shoreline Management Plan for Table Rock Lake

5. Shoreline Allocation Summary. The 745 miles of shoreline on Table Rock Lake (at the conservation pool - 915 feet m.s.l.) includes the following categories with accompanying miles and percentages designated for each type of shoreline allocation if the results of this evaluation are approved.

SHORELINE CATEGORY	DESIGNATED MILES	PERCENT OF TOTAL
Limited Development	79.6	10.7
Protected	550.8	73.9
Prohibited	1.0	0.1
Park Buffer Areas	46.9	6.3
Marina Buffer Areas	66.7	9.0
TOTALS	745.0	100.0%

6. Recommendations. The results of the evaluation and update of the Table Rock SMP Limited Development areas should be approved.



P. S. MORRIS  
Colonel, Corps of Engineers  
Commanding

11 Encls



**US Army Corps  
of Engineers**

Little Rock District

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# **Shoreline Management Plan For Table Rock Lake**

Appendix F To  
Design Memorandum No. 17-F  
April 1993

CESWD-CO-RP (CESWL-CO-L/23 Jan 95) 1st End Mr. McCauley/jw/  
7-2434

SUBJECT: Re-evaluation of Zoning Requests at Table Rock Lake

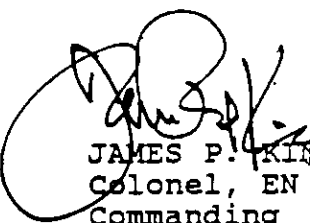
CDR, U.S. Army Corps of Engineers, Southwestern Division,  
1114 Commerce Street, Dallas, TX 75242 114 FEB 1995

FOR Commander, Little Rock District

1. The results of your re-evaluation and proposed revisions to the Table Rock Lake Shoreline Management Plan are approved.

2. Public and Congressional notification of the results of your re-evaluation and approval thereof is authorized. As previously instructed, you should forward "lessons learned" to HQUSACE (CECW-ON) thru CESWD-CO-R within two weeks of completion of the effort.

Encl  
wd

  
JAMES P. KING  
Colonel, EN  
Commanding

2



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
LITTLE ROCK DISTRICT, CORPS OF ENGINEERS  
POST OFFICE BOX 867  
LITTLE ROCK, ARKANSAS 72203-0867

CESWL-CO-L

23 January 1995

MEMORANDUM FOR Commander, Southwestern Division

SUBJECT: Re-evaluation of Zoning Requests at Table Rock Lake

1. References.

- a. Correspondence requiring the re-evaluation (Tab A).
- b. Current Table Rock Lake Shoreline Management Plan (SMP) (Tab B).
- c. Supplements 4, 5, and 7 of the previous SMP concerning the re-evaluation sites (Tab C).

2. Purpose. The purpose of this supplement is to make recommendations regarding the re-evaluation of 89 zoning sites, initiated between 1989 and 1991, and corresponding updating of the SMP Limited Development areas.

- a. The re-evaluation was directed to insure public involvement in the review process.
- b. The HQUSACE approved re-evaluation plan is at Tab D.
- c. A special task force was assembled to conduct the re-evaluations (Tab E).

3. Public Involvement Summary. (Tab F).

- a. Two hundred fifty-one members of the public attended the three workshops.
- b. A total of 130 written comments were received during the allotted 30 days following the workshops; the period ended 17 Dec 94.

4. Re-evaluation Results. The detailed individual evaluation packets are available upon request.

- a. No Action Required. Eleven (11) request were withdrawn or involved incomplete applications (Tab G).

- b. Sustained Approval. Forty-nine (49) sites (totalling 10,250 feet of shoreline); addressed in Supplements 4, 5, & 7 of

SUBJECT: Re-evaluation of Zoning Requests at Table Rock Lake

the previously approved SMP; met the criteria for approval (Tab H). The original zoning request submitted by Mr. Tex Harris, subject of the DOD-IG directed inquiry, is again considered to meet the required criteria justifying private floating facilities.

(1) Thirty-nine public comments were received concerning this particular request, with 22 against and 17 for zoning as a Limited Development area. The prevailing arguments against involved personal concerns of adjoining landowners regarding property devaluation, reduced lake view, proximity to existing homes and lack of public notification during the previous review.

(2) No information, however, was produced during any aspect of the review process that furnished appropriate justification (involves flowage easement lands, obstruction to navigation, presence of significant environmental or ecological features, slope grade of shoreline, etc.,) for reversal of the original decision as designation of Limited Development area (Tab I). It should be noted that under 36 CFR 327.30 and ER 1130-2-406 (dated 31 Oct 90) ownership of private land does not convey any exclusive rights to use the adjoining public lands.

c. Sustained Denial. Twenty-four (24) sites, denied in the previously approved SMP, failed to meet the criteria for approval. A summary is provided detailing the rationale for each denial (Tab J).

d. Support Approval. Five (5) sites (totalling 825 feet of shoreline) previously denied were found to meet the criteria for approval based on changed site characteristics (Tab K). These sites had been considered in conjunction with Supplements 4, 5, and 7.

5. Shoreline Allocation Summary. The 745 miles of shoreline on Table Rock Lake, at the Conservation Pool (915' m.s.l.), includes the following categories with accompanying miles and percentages designated for each type of shoreline allocation if the results of this re-evaluation are approved.

<u>Shoreline Category</u>	<u>Designated Miles</u>	<u>Percent of Total</u>
Limited Development	78.2	10.5
Protected	552.2	74.1
Prohibited	1.0	0.1
Park and Buffer areas	46.9	6.3
<u>Marina Buffers</u>	<u>66.7</u>	<u>9.0</u>
Totals	745.0	100 %



CESWL-CO-L

23 January 1995

SUBJECT: Re-evaluation of Zoning Requests at Table Rock Lake

6. Recommendations. The results of the re-evaluation and subsequent update of the Table Rock Shoreline Management Plan Limited Development areas should be approved.

7. Public Notification.

a. As designated by the approved plan, notification to the public and congressional interests of the final decision will be accomplished by this office upon direction by your headquarters.

b. Following your decision, a "lessons learned" document will be forwarded through SWD Headquarters to HQUSACE within two weeks.



DAVID R. RUF  
Colonel, Corps of Engineers  
Commanding

Encl

Copy Furnished:  
Res Engr, Upper White River

CESWD-CO-RP (CESWL-CO-L/13 Apr 93) 1st End Mr. McCauley/jw/  
7-2434

SUBJECT: Shoreline Management Plan for Table Rock Lake

Cdr, U.S. Army Corps of Engineers, Southwestern Division,  
1114 Commerce Street, Dallas, TX 75242

04 MAY 1993

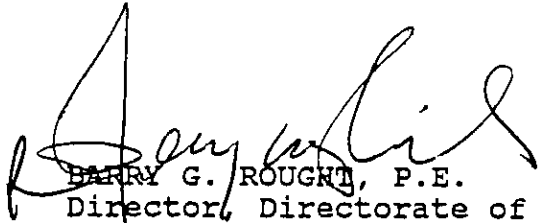
FOR Commander, Little Rock District, ATTN: CESWL-CO-L

The Shoreline Management Plan for Table Rock Lake is approved  
subject to the following comment:

It is recommended that a summary of shoreline allocations  
chart be provided, including miles, percent, and number of pri-  
vate floating facilities within each allocation. Also, the  
number of grandfathered facilities should be indicated.

FOR THE COMMANDER:

Encl  
wd

  
BARRY G. ROUGHT, P.E.  
Director, Directorate of  
Construction-Operations

CF (w/basic & encl):  
CECW-ON



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
LITTLE ROCK DISTRICT, CORPS OF ENGINEERS  
POST OFFICE BOX 867  
LITTLE ROCK, ARKANSAS 72203-0867

1 APR 1993

CESWL-CO-L

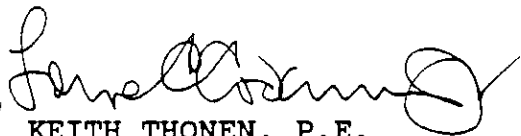
MEMORANDUM FOR Commander, Southwestern Division,  
ATTN: CESWD-CO-R

SUBJECT: Shoreline Management Plan for Table Rock Lake

1. The subject plan is submitted for your review and approval.
2. This plan was developed using the criteria contained in 36 CFR 327.30 dated 27 Jul 90, and ER 1130-2-406 dated 31 Oct 90. Public workshops were conducted at the Table Rock Resident Office on 5 June 1991 and at Shell Knob, Missouri, on 6 June 1991 to obtain public input during the development of the District's overall shoreline management operating policy. The District's policy was published as SWLOM 1130-2-33 on 15 Sep 92.
3. The shoreline allocations in this plan are the same as those in the previously approved lakeshore management plan and its supplements. Public involvement was included in the original designation of these shoreline allocations.
4. Approval of the shoreline management plan for Table Rock Lake is recommended.

FOR THE COMMANDER:

Encl (3 cys)

  
for KEITH THONEN, P.E.  
Chief, Construction-Operations  
Division

WHITE RIVER WATERSHED  
MISSOURI AND ARKANSAS  
WHITE RIVER  
TABLE ROCK DAM AND LAKE  
DESIGN MEMORANDUM NO. 17-E

UPDATED MASTER PLAN FOR  
DEVELOPMENT AND MANAGEMENT  
TABLE ROCK LAKE

APPENDIX F  
SHORELINE MANAGEMENT PLAN

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## EXHIBITS

EXHIBIT I	Allocation Maps (omitted)
EXHIBIT II	SWLOM 1130-2-33
EXHIBIT III	Implementation Plan for the Table Rock Lake Pilot Project Concerning Placement of Remote Service Docks in marina Buffer Areas
EXHIBIT IV	36 CFR 327.30
EXHIBIT V	Termination of Shoreline Use Permits
EXHIBIT VI	Mooring Buoys
EXHIBIT VII	Tramways
EXHIBIT VIII	Road, Ramp, Parking Standards
EXHIBIT IX	Buoy Application Procedures (Missouri)
EXHIBIT X	Shoreline Use Permit Fees

WHITE RIVER WATERSHED  
MISSOURI AND ARKANSAS  
WHITE RIVER  
TABLE ROCK DAM AND LAKE  
DESIGN MEMORANDUM NO. 17-E

UPDATED MASTER PLAN FOR  
DEVELOPMENT AND MANAGEMENT  
TABLE ROCK LAKE

APPENDIX F  
SHORELINE MANAGEMENT PLAN

SECTION I

INTRODUCTION

1-01. Purpose. The Shoreline Management Plan for Table Rock Lake establishes policy and furnishes guidelines for the protection and preservation 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.

1-02. Authority. This Appendix was prepared in accordance with the requirements of 36 CFR 327.30, dated 27 July 1990, included as, Exhibit IV, and ER 1130-2-406, dated 31 October 1990.

1-03. References.

a. 36 CFR 327.30, dated 27 July 1990, Shoreline Management at Water Resources Development Projects Administered by the Chief of Engineers.

b. ER 1130-2-406, dated 31 October 1990.

c. SWLOM 1130-2-33, Project Operations Shoreline Management at Civil Works Projects, dated 15 September 1992.

1-04. Private Floating Recreation Facilities. Private recreation facilities as discussed in this plan include boat moorage facilities, ski jumps, swim floats, courtesy docks, mooring buoys, duck blinds, and other private floating recreation facilities. Limited motel/resort/campground docks, and lease expansion docks placed on the lake by commercial concessionaires are also considered. Private floating facilities used for boat mooring will not exceed the minimum size required to moor the owner's boat or boats plus a minimum area for storage of oars, life preservers, and other items essential to the operation of the watercraft. The 1982 Lakeshore Management Plan for Table Rock Lake implemented a "community docks only" policy for all new

docks placed on the lake. This concept, unique to Table Rock Lake, also limited family units to only two single slips and the mooring of two boats in community docks placed on the lake after the approval of the 1982 plan. The community dock only policy and the limitation on family ownership of slips are being retained as a part of this shoreline management plan.

1-05. Other Private Shoreline Uses. Individuals may apply for permits to make minor alterations to vegetation around habitable structures for land based private uses including vegetation modification, foot path construction, planting and landscaping, underbrushing, mowing and erosion control.

1-06. Master Plan. Upon approval, this Appendix will become a part of the Updated Master Plan for Table Rock Lake.



## SECTION II

### OBJECTIVES OF THE PLAN

2-01. General. Experience has shown that management is necessary to prevent large sections and possibly all of the shoreline from becoming congested with private floating facilities and thereby lost for public use and enjoyment. Management of the shoreline will provide an opportunity for optimum recreational experiences for the maximum number of people and assure compatibility among the recreating public, the environment, and project resources.

a. The objectives of this plan are to manage and protect the shoreline, to establish and maintain acceptable fish and wildlife habitat, aesthetic quality and natural environmental conditions and to promote the safe and healthful use of the lake and shoreline for recreational purposes by all Americans.

b. Boat owners are encouraged to moor their boats at commercial marinas or utilize dry storage facilities and trailer their boats to a public launching ramp. Launching ramps are provided in the Corps parks and at launching complexes developed by city, county or State Governments.

c. Limited alteration of vegetation in limited development areas will be permitted to allow for vegetation modification, foot paths, planting and landscaping, underbrushing, mowing and erosion control.

2-02. Commercial Concessions. Floating facilities used in connection with commercial concessions located in the parks are not affected by the shoreline allocations presented in this plan. These commercial operations are effectively controlled under existing Real Estate regulations. The remote storage facilities provided by these commercial operations within the designated marina buffer areas will reduce the need for numerous individually owned docks along the shoreline. Specific information concerning placement of remote service docks in marina buffer areas will be found in Exhibit III.

2-03. Motel/Resort/Campground Leases.

a. Floating facilities used in connection with limited motel/resort/campground leases are subject to the shoreline allocations and minimum size requirements described in this plan. Shoreline use permits (ENG 4264) are not issued for these facilities. These docks are a part of the commercial operation covered by a Real Estate outgrant, and the maximum number of slips they may provide are effectively controlled by regulations pertaining to those outgrants. In those cases where existing

motel/resort/campgrounds already provide docks for bona fide guests but are outside of designated limited development areas, the shoreline has been designated as a restricted limited development area. As long as the docks in these restricted limited development areas are maintained to Corps standards, the leases or licenses for these facilities may be renewed or transferred to a new owner and the facility remain at the same mooring location. Expansion of docks in a restricted limited development area will be considered on a case-by-case basis.

b. The parent company of time-share resort type facilities can qualify for limited motel/resort/campground leases if all other qualifications and requirements for the lease are met. There is a growing trend for developers to construct and convey interest in resort complexes on a time-share basis. The parent company retains ownership in all the common areas and facilities and performs the overall management of the facility. The time-share owners will generally be limited in the time they can occupy the unit (1 or 2 weeks a year). Therefore, they are basically the same as guests of a facility operated under the term of a limited motel/resort lease.

2-04. Private Exclusive Use. Ownership of private land does not convey any exclusive rights to the use of the adjoining public lands. It is the objective of this plan to manage private exclusive use of public property to the degree necessary to balance the benefits to both the general public and the adjoining private landowners.

2-05. Background.

a. Table Rock Lake was selected as one of three representative study areas in the Southwestern Division designated to develop the initial lakeshore management plans. The general concept for lakeshore management was approved by the Division Engineer in October 1972. The general public participated in the development of a preliminary lakeshore management plan for Table Rock Lake through public meetings held in Shell Knob, Missouri, and Kimberling City, Missouri, in December 1972.

b. The initial plan was reviewed, updated with public involvement and approved by the Division Engineer in April 1976. Beginning in September 1981, the lakeshore management plan for Table Rock Lake was once again reviewed and updated with public involvement. The updated plan, which implemented a community dock only policy for the lake, was approved by the Division Engineer on 27 May 1982.

c. After a period of public involvement, 55 rezoning requests were approved as a supplement to the Table Rock Lakeshore Management Plan in January 1988. In April 1989, 25

rezoning requests were considered and made available for public review and comment. Subsequently, 15 of the rezoning requests were approved as a supplement to the Table Rock plan in April 1989. Following a similar procedure for public involvement, the Division Engineer approved 20 rezoning requests as a supplement to the plan in July 1990.

d. On 30 September 1990, the Division Engineer approved a 3-year pilot project which allows the existing marina operators to provide remote boat mooring docks. The docks must be located within the marina buffer areas designated in the shoreline management plan and used only for boat moorings. Rentals or product sales are not permitted to take place on the remote service docks. The details of this pilot project are outlined in Exhibit III.

e. In 1991, 30 rezoning requests were considered and made available for public review and comment. Thirteen of these rezoning requests were approved by the Division Engineer as a supplement to the Lakeshore Management Plan for Table Rock Lake in August 1991.

2-06. Plan Conversion. Revision of 36 CFR 327.30 in 1990 required the Little Rock District to convert its currently approved lakeshore management plans, as supplemented, to shoreline management plans. The District's draft operating policy for shoreline management was discussed at public workshops held at the Table Rock Resident Office on 5 June 1991, and in Shell Knob, Missouri on 6 June 1991. The provisions of the District's shoreline management policy, SWLOM 1130-2-33, were approved by the District Engineer on 15 September 1992. The provisions of this SWLOM and the shoreline allocations contained in the most recent approved lakeshore management plan, as supplemented, are included in this Shoreline Management Plan for Table Rock Lake.

2-07. Five-Year Review. Shoreline management plans will be reviewed at least once every 5 years. The plan may be supplemented more frequently should regulations, project operations, project conditions, or management objectives change significantly. The District Engineer may approve minor administrative revisions to the plan when the revisions are consistent with ER 1130-2-406 or 36 CFR 327.30. The addition or deletion of limited development areas will not be considered minor revisions. Revisions of this nature will require public involvement and approval by the Division Engineer.

## SECTION III

### DESCRIPTION OF THE SHORELINE

3-01. General. Table Rock Dam is located at river mile 528.8 on the White River in Stone and Taney Counties, Missouri, approximately 6 miles southwest of Branson, Missouri. The lake extends westerly along the White River to the Beaver Dam, at river mile 609.0, and comprises lands in Taney, Stone, and Barry Counties, Missouri, and in Boone and Carroll Counties, Arkansas. The region continues to be a very popular, highly developed and commercialized vacation area. The area around the project is characterized by narrow ridges between deeply cut valleys that are well wooded with deciduous trees and shrubs, interspersed with a scattering of pine and cedar typical of the region.

3-02. Land Acquisition Policy. The real property fee acquisition line for Table Rock Lake, as a general rule, was blocked out along regular land subdivision or property ownership lines, to include all lands below the elevation 923 mean sea level or to include the lands required for public access areas.

a. Flowage easements were acquired above the blocked out fee acquisition line up to, as a general rule, elevation 936 m.s.l. A flowage easement gives the Government the perpetual right to flood privately-owned land, if necessary, for operation of the project and to prohibit any structures for human habitation. Construction of other types of structures on flowage easement is limited to those meeting Corps of Engineers approval.

b. In those areas where acquisition of easements on extremely small areas was not practical, the blocked out line for fee acquisition was extended to include the easement contour. As a result of this blocking out process, the Government boundary is a very uneven line rather than a straight "bowl" around the lake.

3-03. Shoreline. At the top of the conservation pool, elevation 915, the shoreline of the lake has a total length of 745 miles. As the pool rises to the top of flood control pool elevation 931, the shoreline length increases to 857 miles.

3-04. Present Land Use. The Table Rock project area contains 63,767 acres, of which 57,820 acres are owned in fee, 3,050 acres in the riverbed, and 2,897 acres are managed with flowage easements. There are 52,300 surface acres located at the top of the flood control pool. Corps of Engineers parks and the Table Rock State Park contain 1,832 acres allocated for park use.

3-05. Private Development. The area around Table Rock Lake is a popular vacation and retirement area. This is evident by the fact that hundreds of subdivisions adjoin Government ownership.

3-06. Shoreline Access. The areas around Table Rock Lake are easily accessible to the recreational boaters and adjoining property owners alike. In addition to the launching lanes located in the parks and the 65 severed roads used for boat launching, more than 300 rights-of-way have been granted to local and county governments, subdivisions, limited motel/resorts/campgrounds and individuals for the construction of public accesses to the lake. Many of these complexes consist of an access road, parking area, and launching ramp and are located adjacent to subdivisions and other developments.

a. Roads, parking areas, launching facilities and improved walkways on Government lands, not constructed by the Corps of Engineers, must be covered by a lease, license or other legal grant issued by the Little Rock District, Real Estate Division. Requests for these facilities are evaluated on a case-by-case basis. Personnel from the Table Rock Resident Office staff will make a field inspection to substantiate the need for the requested improvement. Other factors considered in the evaluation of the request include: (1) availability of existing ready access to the lake, (2) the number of existing access points within a reasonable distance to the proposed site and, (3) a determination of the amount and type of possible environmental degradation. All outgranted roads, parking areas, and launching facilities must conform to the minimum standards of the Little Rock District (Exhibit VIII).

b. Any road, parking area, launching facility or improved walkway not covered by a real estate instrument will be closed and the site restored as nearly as possible to its original condition. Any improvements authorized by temporary letter of permit are subject to closure if they are not covered by a real estate instrument within a reasonable period of time.

3-07. Prior Commitment. Private docks and limited private use of the shoreline has been permitted on Table Rock Lake since impoundment began. The number of private floating facilities and land based permits on the lake continue to increase.

3-08. Indian Lands. There are no Indian lands within the boundaries of Table Rock Lake project.

3-09. Joint Jurisdiction. The United States Forest Service owns land bordering approximately 45 miles of shoreline in Mark Twain National Forest. Cow Creek Park, operated by the Corps of Engineers, is under license from the U.S. Forest Service. Floating facilities will only be authorized adjacent to National Forest Service land designated as Limited Development. This is to protect the unspoiled natural and scenic appearance of the shoreline.

## SECTION IV

### SHORELINE ALLOCATION

4-01. General. Increased development of adjoining private land increases the demand for private floating facilities; therefore, a plan for systematic management of the shoreline is essential. This approach is intended to protect the natural beauty of the shoreline and to balance shoreline uses to maximize the benefits for the most users.

4-02. Shoreline Allocation Maps. Allocations extend from the water's edge to the project boundary for land-based uses and from the shoreline waterward for floating facility considerations. Maps showing the shoreline allocations are included as Exhibit I of this Appendix. A master map of the shoreline is on display in the Duty Room at the Office of the Resident Engineer at Table Rock Lake.

4-03. Allocations. A comprehensive study of the entire shoreline, involving public participation, resulted in development of this Shoreline Management Plan for Table Rock Lake. The plan establishes the following shoreline allocations:

a. Limited Development Areas. Approximately 10 percent of the shoreline at the top of conservation pool is designated for limited development. Private floating facilities are permitted in areas designated for limited development. These areas are shown in red on the shoreline allocation maps in Exhibit I.

(1) All United States citizens have an opportunity to moor a dock in a limited development area provided the area has not reached the maximum density of development. The applicant must have ready access to the shoreline either by public road, ownership of adjoining property, or right of access across adjoining property. Generally, ready access to the lake is considered to be 200 feet or a reasonable distance a person could carry a motor, fishing tackle, and other related gear. Dock owners who are not permanent residents of the area must designate a local resident who will be responsible for surveillance of their dock on a 24-hour day basis.

(2) Generally, the number of docks that will be permitted in an area will be limited by spacing a minimum of 100 feet apart in ideal shoreline conditions. The allowable density of development in limited development areas will consider location, fluctuation of water level, ecological and aesthetic characteristics of the particular area, among other criteria. 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 conservation pool.

b. Restricted Limited Development Areas. Restricted limited development areas are designated to honor previous commitments to owners of existing, lawfully installed docks. Docks moored in restricted development areas may be sold, bought, ownership transferred, etc., and a permit issued to the new owner(s) allowing the dock to remain at its present location. All docks on the lake must be maintained to Corps of Engineers construction and safety standards regardless of the mooring locations. Docks moored in those areas will not be enlarged or expanded to accommodate additional boats. Construction of replacement docks or relocation of docking facilities within restricted limited development areas will be considered on a case-by-case basis.

c. Park Buffer Areas. These areas are shown in green on the shoreline allocation maps. Private floating facilities and resort docking facilities are not permitted within or adjacent to developed or future parks. Individuals or groups are not permitted to make any modification of the land form or vegetative characteristics of lands under this allocation. Commercial boat docks and marinas are permitted in public recreation and buffer areas. Existing private docks and resort facilities may be sold or ownership transferred and allowed to remain at their present locations under the grandfathering provisions of this plan. These facilities may be replaced, but cannot be expanded or enlarged to accommodate additional boats.

d. Protected Shoreline Areas. Reaches of shoreline not designated by a color code on the shoreline allocation maps are considered protected shoreline areas. A majority of the shoreline on Table Rock Lake is designated as protected shoreline. These areas were designated to protect aesthetic, environmental, and fish and wildlife values. Other reaches of the shoreline were included under this allocation for physical protection, reasons including shallow areas and reaches of the shoreline subject to damaging winds or currents.

(1) Land access and boating are permitted along the shoreline with this allocation may be permitted if aesthetic, environmental, and natural resource values are not damaged or destroyed. Modification of the land form or vegetation may be permitted after the effects on the environmental and physical characteristics of the area have been considered and approved by the Resident Engineer.

(2) Rights-of-way for launching complexes across shoreline allocated as protected areas will be considered on a case-by-case basis. Shoreline Use Permits will not be issued for floating facilities in these zones.

e. Prohibited Access Areas. Private docks and shoreline uses are prohibited in areas immediately upstream from the dam for safety and security reasons.

f. Marina Buffer Areas. These areas are designated in yellow on the shoreline allocation maps, Exhibit I. These areas are allocated for the placement of remote mooring facilities by existing marina concessionaires on Table Rock Lake. Additional information regarding marina buffer areas may be found in the "Implementation Plan for the Table Rock Lake Pilot Project Concerning Placement of Remote Service Docks in Marina Buffer Areas" (Exhibit III).



SECTION V  
SHORELINE USE PERMIT GUIDELINES

5-01. Boat Docks.

a. Dock plans submitted with shoreline use permit applications must conform to the minimum construction, maintenance, and safety requirements outlined in SWLOM 1130-2-33, Exhibit II, Appendix G. Two sets of plans and specifications must be submitted along with the Shoreline Use Application to Table Rock Resident Office, Hwy. 165, P.O. Box 1109, Branson, Missouri 65616. Electrical certification must be provided before a Shoreline Use Permit can be issued or renewed (Exhibit II, Appendix F).

b. All new private docks placed on the lake must be community docks, with a minimum of 12 slips and a maximum of 20 slips. This will assure the most effective use of the limited amount of shoreline set aside for the mooring of private floating facilities by the maximum number of persons. The maximum size of 20 slips was established for safety reasons and to assure maneuverability of the dock during periods of pool fluctuation. Existing docks larger than 20 slips will be grandfathered if safely maintained and shoreline is not needed for a higher purpose.

(1) In community docks a family unit will be limited to a maximum of two single slips, the mooring of two boats and ownership in only one dock on Table Rock Lake. A completed Community Dock Owners Association Agreement and a completed Contract for Sale of Stall(s) in Community Boat Docks, Exhibit II, Appendix E, is required prior to the issuance of a permit.

(2) A permit for a community dock does not give the members any exclusive rights to the use of Government lands for access, parking or utilities to serve the dock. Members may not: (a) remove vegetation or trees, (b) construct breakwaters to protect the dock from wave action or, (c) install buoys to restrict speed of passing boats.

(3) Where necessary community dock members may be required to provide written permission from adjoining private landowners to assure access by land to the project boundary.

(4) Requests to expand community docks will be subject to prior approval by the other owners with an interest in the dock and the Table Rock Lake Resident Engineer. Requests will be reviewed on a case-by-case basis, considering the physical characteristics of the area, available facilities nearby and possible financial hardships of those involved.

(5) Community docks must be moored perpendicular to the shore. Docks should not extend out from the shore more than one-third of the cove width at conservation pool elevation. Exceptions may be considered based on unique physical characteristics of the site location. The dock size, configuration, and anchoring must be approved by the Resident Engineer.

5-02. Existing Docks Under Permit. Existing docks that are already under permit and in good standing do not have to be converted to community docks. Those existing docks can be sold and/or relocated to other approved mooring sites on the lake. Requests to expand the size of existing docks will be subject to prior approval by the Resident Engineer. Each request will be reviewed on a case-by-case basis considering the physical characteristics of the area, available facilities nearby and possible financial hardships of those involved.

5-03. Courtesy Docks. Permits for courtesy docks will generally be issued to municipalities, commercial enterprises, civic groups, etc. Courtesy docks will be open design without roof and any signage must be approved by the Resident Engineer. The courtesy docks must be moored in limited development or marina buffer areas and used for short term tie-up (1-2 hours) while boaters are conducting their business. The permittee is responsible for providing suitable access to the dock. Courtesy dock permits will not be issued to individuals.

5-04. Instruments for Shoreline Use.

a. Shoreline use permits will be issued on ENG Form 4264-R. Samples of the permit and permit conditions are shown in Exhibit II, Appendix B and C. These permits may also be used to approve vegetation modification, foot-path construction, and similar activities which do not involve a change of land form or involve placement of permanent structures on project land. Multiple permitted uses will be included on the same permit at no additional cost. Guidelines for Shoreline Use Permits is listed in Exhibit II, Appendix A.

b. Revocable shoreline use permits may be granted for private floating facilities, duck blinds, mooring buoys, ski jumps, and for vegetative modifications where such activities conform to the shoreline management plan and to land use allocations of the project master plan. An individual may have only one of the following items on Table Rock Lake to preclude usurpation of the shoreline. The applicant may have either:

- (1) A permit for a private floating facility.

(2) Ownership of up to 2 slips in a community dock.  
(Valid state boat registration will be necessary to verify slip needs.)

(3) A permit for a mooring buoy.

(4) A license for a cable tramway.

c. The requirement for community boat docks only will assure the most effective use of the limited amount of shoreline set aside for the mooring of private floating facilities by the maximum number of persons. The permit for a community dock will be issued to the person designated in an association agreement, or similar document, as the authorized representative for the slip owners in the dock. Valid boat registrations will be used to verify slip ownership and occupancy. Evidence must be furnished with the application assuring that the community dock association agreement and contracts for slip ownership have been notarized and filed with the county clerk. See Exhibit II, Appendix E.

d. Underground electrical service lines are encouraged, but in consideration of rocky terrain, soil conditions, and pool fluctuation, excavation may be determined to be impractical. Under these restrictive conditions, overhead electrical lines will be permitted. Electrical service lines must meet all applicable electrical codes, regulations, and clearance requirements. A licensed, registered or otherwise certified electrician will provide a copy of the electrical certification (Exhibit II, Appendix F) to the Resident Engineer before a Shoreline Use Permit can be issued or renewed.

e. Docks will be spaced a minimum of 100 feet apart. This distance, measured at the conservation pool elevation, will provide increased fire protection, personal safety, shoreline aesthetics, fishing access, and general recreational use. The open space will facilitate maintenance of docks, cables, stiff-arms, and related features of the dock and allow simultaneous maneuvering of several watercraft in a safe manner. Previously approved spacings of less than 100 feet will be grandfathered.

f. The facilities in limited development areas will not occupy more than 50 percent of the total shoreline bearing that designation. Density will be determined by measuring linear feet of shoreline in the zone and comparing it to the width of the facilities.

g. Adjacent landowners must obtain a permit from the Resident Engineer prior to modifying the vegetative characteristics of project lands. This requirement applies to mowing and/or removal of grasses, shrubs, and small trees. Permits for vegetative modification will not be granted to

individuals in areas designated as public recreation areas, including buffers, or on lands allocated as prohibited access areas. The limits of vegetation modification are dependent on the proximity of the habitable structures to the project boundary. The maximum allowable limit of vegetation modification is 200 feet, measured from the foundation of the habitable structure. The actual limits of vegetation modification in each case will be determined by the Resident Engineer, or his representative, and defined on the shoreline permit.

h. Requests for shoreline improvements involving landscaping activities must be accompanied by a detailed or well-designed landscape plan. The plan will provide for better management of the area for the enhancement of wildlife propagation, protection of the aesthetics and prevention of erosion.

5-05. Permits, Authority to Issue. Project resource managers are authorized to issue shoreline use permits. ENG Form 4264-R, Application for Shoreline Use Permit, with permit conditions attached will be used (Exhibit II, Appendix C). Construction may proceed upon receipt of written approval of the plans by the Resident Engineer or his representative.

5-06. 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 for shoreline use permits are listed in Exhibit X, Shoreline Use Permit Fees. Fees paid for shoreline use permits are non-refundable.

5-07. Permit Term. Shoreline use permits for private boat docks and vegetation modification are issued for a period of time not to exceed 5 years. The expiration date for permits for duck blinds will correspond with the closing of the waterfowl hunting season and the permittee will be required to remove the blind within 30 calendar days after the close of the season. All shoreline use permits are subject to revocation by the District Engineer whenever he determines that the public interest requires such revocation or the permittee fails to comply with the conditions of the permit, this plan, or ER-1130-2-406.

5-08. Posting of Permit Number. Two white plastic permit tags, approximately 6" x 8" in size, bearing the permit number and expiration date will be furnished with each permit issued. These tags will be posted on the floating facility on the right corner from land and water sides so they are clearly visible. Facilities and/or activities permitted under special conditions, such as grandfathering, will be identified by using green permit tags or with an "X" preceding the permit number to make them readily identifiable. An example is shown in Exhibit II, Appendix D.

5-09. Design of Private Floating Facilities.

a. General. All floating recreation facilities will be designed and constructed to meet or exceed the Minimum Construction and Maintenance Requirements for Private Floating Facilities (Exhibit II, Appendix G). Electrical service to docks will conform to the Safety Checklist. Electrical service to most docks is used only for lighting and the operation of battery chargers. Where there is an indication that power tools may be used on the dock, the use of an approved ground fault interrupter will be encouraged. Two sets of plans and specifications for the dock must accompany the application and will be subject to the approval of the Resident Engineer at Table Rock Lake or his authorized representative. The application along with plans, specifications may be sent or delivered to the Table Rock Resident Office, Hwy 165, P.O. Box 1109, Branson, Missouri 65616.

b. Limited Use. The use of boat mooring facilities will be limited to the moorings of boats owned by and registered to the permittees and co-owners and the storage of gear essential to the operation of the water craft. The installation of accommodations and facilities conducive to human habitation is prohibited. All new docks must be constructed with open sides.

c. Flotation. Any flotation materials, including those used as replacements, installed on Table Rock Lake after 1 January 1994, shall comply with condition 14 of Appendix C to 36 CFR 327.30, Shoreline Management. All flotation used with new docks and boat mooring buoys, shall be of materials which will not become waterlogged (not over 1-1/2 percent by volume ASTM), is resistant to damage by animals and will not sink or contaminate the water if punctured. No metal covered or injected drum flotation will be allowed. Foam bead flotation that is not subject to deterioration through loss of beads, meets the above criteria, and has a minimum density of 1.2 lb/cu ft is authorized. Foam bead flotation with a density of 1.0 lb/cu ft, but does not otherwise meet the above criteria, is authorized provided it is encased in an approved protective coating which enables it to meet the specifications above. An approved coating is defined as warranted by the manufacturer for a period of at least 8 years against cracking, peeling, sloughing and deterioration from ultra violet rays, while retaining its resiliency against ice and bumps by watercraft. Existing flotation will be authorized until it has severely deteriorated and is no longer serviceable or capable of supporting the structure. After 1 January 1994, replacement flotation must meet or exceed the requirements outlined above.

d. Buoys. The Missouri Division of Water Safety, in coordination with the Corps of Engineers, must approve the placement of buoys on the waters of Table Rock Lake.

Applications may be mailed to the Missouri State Water Patrol, P.O. Box 603, Jefferson City, Missouri 65102. A discussion of application procedures and a copy of the Missouri State Water Patrol buoy application are shown in Exhibit IX.

(1) The placement of mooring buoys is subject to the same shoreline allocations and permit procedures as other private floating facilities. Mooring buoys must meet the criteria established in Exhibit VI. Persons who already have an interest in a dock will not be given an permit for a mooring buoy.

(2) Regulatory buoys are not subject to the shoreline allocations in this plan and they do not require a shoreline use permit. The procurement and maintenance costs for private buoys will be borne by the individual(s) making the request. The Corps of Engineers will maintain regulatory buoys adjacent to Government developed facilities and in those areas identified as high danger.

e. Duck Blinds. A seasonal duck blind is defined as a structure fabricated from metal, lumber, wire, and other identifiable building material placed on a project for seasonal use. A permit is not required of those who hunt from the concealment of natural shoreline vegetation or portable blinds placed and removed on a daily basis. Applications for a duck blind permit is made on Application for Shoreline Use Permit, Exhibit II, Appendix B, however the permit will not be issued in excess of 30 days prior to waterfowl season. A drawing of the structure must accompany the application. Fees are listed in Exhibit X, Shoreline Use Permit Fees.

(1) A map will be maintained in the Resident Office showing the location of each permitted blind and shall be referred to while processing applications to avoid conflicts in location. The applicants are advised that the permit does not convey exclusive or protected hunting rights to any segment of the lake or shoreline.

(2) The applicant should be advised that the Corps of Engineers has no authority to protect the structure from use and trespass by the general public.

(3) The expiration date of the permit will correspond with the closing of the waterfowl hunting season. The permittee will be required to remove the structure within 30 calendar days after expiration of the permit.

5-10. Tramways. Tramways are subject to the shoreline allocations in this plan. The Resident Engineer will forward all requests for tramways with recommendations concerning approval through the Chief, Construction-Operations Division, and Chief, Engineering Division, for approval of the plans, and to the

Chief, Real Estate Division, to grant the necessary rights-of-way. Tramways will generally be used to transport only boats and related equipment. Use of tramways for transportation of individuals is discouraged for safety reasons. In the event personal transportation is mandatory due to steep terrain or the physical condition of the user, the application should so state. All construction plans shall conform to the requirements shown in Exhibit VII.

5-11. Collection of Fees. Payment may be made by check (personal, certified, cashiers, etc.) or money order made payable to FAO, Little Rock District. Payment may also be made in cash. Cash collections will be acknowledged by issuance of a receipt or SF Form 1165. Revenue from issuance of shoreline use permits will be collected by employees authorized to collect for petty cash sales. The recreation fee cashiers or alternates will not handle fees for shoreline use permits. Collections will be scheduled to the Finance and Accounting Officer, using ENG Form 3313, Remittance Register. Collections identified as "Shoreline Use Permits" may be listed on the same schedules as reservoir maps, folder maps, etc. Fees for shoreline use permits are listed in Exhibit X. Shoreline use permit fees are non-refundable.

a. Renewals. The administration and inspection fees will be collected for renewed permits. A new permit will be issued whenever ownership of a private floating facility is transferred or when a new dock is placed on the lake. Electrical Certification Forms (Exhibit II, Appendix F) are required for renewal of permits for docks with electrical service. When a permit for a private floating facility is renewed in the name of the present owner, the applicant will receive the following:

- (1) Month of expiration sticker (two copies).
- (2) Year of expiration sticker (two copies).
- (3) Signed copy of the permit, ENG 4264-R, including a statement of total fee paid signed by the person authorized to collect for petty cash sales.

b. ENG 4264-R. The permit (Exhibit II, Appendix B) will be prepared in triplicate. The original will be given to the permittee. The second copy will be kept on file in the Resident Office. The third copy will accompany the remittance to the Finance and Accounting Office.

5-12. Grandfather Clause. Previously approved private floating facilities already moored in areas where allocations made by this shoreline management plan to not allow docks will be permitted to remain in their present locations or relocated to a limited development area with approval from the Resident Engineer or his

representative. Private or community docks with more than 20 slips, or those with less than a 100-foot spacing between docks will be grandfathered. Existing private and community docks in these areas may not be enlarged in size to accommodate additional boats. Section 1134(d) of Public Law 99-662 provides that any lawfully installed dock in place under a valid shoreline use permit as of 17 November 1986 cannot be forced to be removed if it meets the following conditions:

a. such property is maintained in a usable and safe condition,

b. such property does not occasion a threat to life or property, and

c. the holder of the permit is in substantial compliance with the existing permit.

5-13. Termination of Permit. Termination of shoreline use permits for floating facilities shall follow the guidelines shown in Exhibit V.

5-14. Removal of Facilities. It is the responsibility of the permittee to remove facilities upon termination of the shoreline use permit. If the permittee fails to do so, the District Engineer may remove the facility by contract or otherwise and require reimbursement of the costs incurred from the permittee. 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.



## SECTION VI

### OTHER SHORELINE USES BY INDIVIDUALS

6-01. Private Exclusive Use of the Shoreline. Adjacent landowners must obtain a permit from the Table Rock Lake Resident Engineer prior to modification of land form or vegetative characteristics of the area. Permits will not be granted to individuals for use of lands allocated as public recreation areas including their buffers.

6-02. Conditions. Construction of paths and other shoreline improvements will be subject to the following requirements.

(1) Only hand-operated tools and noncommercial riding lawn mowers may be used. The use of heavy equipment, such as tractors or bulldozers, is not permitted.

(2) Only dead or diseased trees previously inspected by the Resident Engineer or his representative may be cut. Any felled trees must be removed from project lands for disposal. No burning by individuals will be allowed on project lands. Any trees destroyed by natural causes will not be removed from project lands except by permission of the Resident Engineer or his representative.

(3) Healthy trees, larger than 2 inches in diameter (measured at chest height), may not be removed. Flowering trees or shrubs, such as dogwood or redbuds, may not be cut regardless of their size. Trimming of healthy trees to obtain a view is prohibited. In certain cases, the Resident Engineer may restrict the cutting of trees less than 2 inches in diameter if it is determined it would create an erosion problem or similar adverse impact.

(4) The limits of vegetation modification are dependent on the proximity of habitable structures to the project boundary. The maximum allowable limits of vegetation modification are 200 feet. The actual limits of vegetation modification in each case will be determined by the Resident Engineer or his representative, and defined on the shoreline use permit.

(5) Shoreline use permits may be issued to authorize pedestrian access paths from adjoining private property to the shoreline. These paths must follow meandering routes to reduce erosion and to minimize the need for removal of grasses, shrubs and small trees (less than 2 inches in diameter measured at chest height). It is recognized that paths constructed to blend into their natural surroundings will, by necessity, vary in width depending on physical conditions along the meandering path route. Pedestrian access paths to the shoreline should not exceed 6 feet

in width, measured at their widest point(s). The shoreline use permit does not convey the right to construct any structures, such as bridges or steps, in connection with the path. If structures such as bridges or steps are proposed, a real estate outgrant will be required and must be obtained before any work is started.

(6) Requests for shoreline improvements involving landscaping activities must be accompanied by a detailed or well-designed landscape plan. The plan will provide for better management of the area for the enhancement of wildlife propagation, protection of the aesthetics and prevention of erosion.

(7) When vegetation modification on project lands is accomplished by chemical means, the program will be in accordance with appropriate federal, state, and local laws, rules and regulations. A detailed plan of proposed work must be submitted to and approved by the Resident Engineer prior to work being accomplished. Information on acceptable chemicals can be obtained from the Natural Resources Management Branch, Little Rock District.

6-03. Landscaping. Requests for this type of shoreline improvement must be accompanied by a detailed landscape plan. The plan will provide for better management of the area for the enhancement of wildlife propagation, preservation of the aesthetics, and prevention of erosion.

6-04. Public Access Areas. There are other reaches of the shoreline that are popular areas for public use or have potential public use. Many of these areas have been kept mowed by the adjacent landowners, and it may be in the best interest of the general public to allow this practice to continue at those locations where substantial public use is made possible in part by the clearing and mowing. Each case has to be considered on an individual basis. All clearing and mowing activities will be covered by a permit, ENG Form 4264, and contain an added condition that "all lands covered by this permit will remain open at all times for use by the general public." In these areas, permittees will be strongly encouraged to consider as a part of their permit the enhancement of wildlife by the planting of cover, food plots, and trees in those areas under permit. The limits of mowing in each case will be determined by the Resident Engineer and defined on the shoreline use permit.

6-05. Project Boundary Line. Most of the boundary line on Table Rock Lake has been surveyed and monumented. The boundary line is defined by survey monuments (where undisturbed) placed at ground level. The survey markers are 3 1/2-inch diameter, round, brass caps and are stamped to show the monument number, the year

surveyed and the agency Little Rock District, Corps of Engineers, U.S. Army. Normally, the project boundary is a straight line between survey markers. The elevation and distance between these survey markers varies. Any proposed alteration on public lands must be submitted to and approved by the Resident Engineer prior to modification.

## SECTION VII

### PERMITS

7-01. Shoreline Use Permits. Shoreline use permits are issued for private floating recreation facilities, access paths, vegetation modification, or temporary electric service lines which do not in any way involve a disruption to or a change in land form. All of these permits will be non-transferable. Upon sale or other transfer of the permitted facility or death of the permittee, the permit is null and void. A new permit may be issued to the new owner after an application has been made and administrative charges and inspection fees have been paid.

7-02. Department of the Army Permits. Activities such as dredging, construction of fixed structures, including fill and combination fixed-floating structures, and the discharge of dredged or fill material in navigation waters will be permitted under conditions specified in permits issued under authority of Section 10, River and Harbor Act of 3 March 1899 (33 USC 403) and Section 404 of the Federal Water Pollution Control Act (33 USC 1344). Shoreline use permits are not applicable.

7-03. Real Estate Instruments. All commercial development activities and all activities by individuals which are not covered above and involve grade, cuts, fills, other changes in land form, or appropriate land-based support facilities required for private floating facilities such as roads, drives, powerlines, and tramway rights-of-way will be covered by a lease, license, or other outgrant.

7-04. Facilities Existing Under Special Conditions. The Shoreline Management Plan will consider existing permitted facilities and prior written commitments. Approved facilities and/or activities outside limited development areas will be grandfathered. Green permit tags or permit numbers preceded by an "X" will be used to designate facilities and activities being allowed under special conditions and to set them apart from other facilities and/or activities. Special provisions also apply to the removal of grandfathered facilities or activities lawfully installed and under permit as of 29 December 1981 or 17 November 1986. Procedures regarding removal of these grandfathered facilities as provided for in PL 97-140 and PL 99-662 are outlined in paragraph 8 of ER 1130-2-406.

7-05. Facility Maintenance. Minimum construction and maintenance requirements for floating facilities are outlined in Exhibit II, Appendix G. When deficiencies are detected, the Resident Engineer or his representative and permittee will establish a schedule, considering the seriousness of the safety deficiency, for correcting the situation at the permittee's expense.

## SECTION VIII

### OTHER LAND USES

8-01. Project Lands. Sanitary facilities within the developed parks consist of restrooms with masonry vault holding tanks, septic tanks and disposal fields, or sewage treatment plants. Sanitary dump stations with holding tanks are provided for trailers in parks. Marine dump stations with holding tanks are provided by some of the commercial docks on the lake. Sewage disposal methods and facility designs are in accordance with applicable State Department of Health and EPA requirements. None of the effluent from the holding tanks are disposed of on project land. There are no sanitary landfills on the Table Rock Project.

8-02. Adjoining Lands. Septic tanks and other sanitary facilities constructed on adjoining private land are subject to inspection and approval by representatives of the State Department of Health. Any evidence that these facilities are not functioning properly is reported to the applicable State Department of Health for investigation and corrective action.

## SECTION IX

### CONCLUSIONS AND RECOMMENDATION

9-01. Matters Not Provided For. Requests for activities not specifically addressed in this Shoreline Management Plan will be sent to the Chief, Construction-Operations Division, for review, coordination, approval, or referral to higher headquarters.

9.02. Conclusions. The plan as presented in this appendix reflects the views of the general public to the extent that they are compatible with current laws, regulations, and policies on this matter. The Shoreline Management Plan presented in this Appendix is considered to provide the greatest recreational benefit to all the public and to balance bona fide recreational needs against the physical limitations and aesthetic qualities of the lake and surrounding lands. The plan has taken into consideration both the present and anticipated recreational needs of the area.

9-03. Review. The Shoreline Management Plan presented in this Appendix is a flexible and working document. The Resident Engineer will continually monitor the needs of the recreational users of the lake and recommend revisions that will minimize conflicts between various interests. Public involvement will be encouraged in advance of recommending any major revision to this plan.

9-04. Recommendation. Approval of this plan is recommended.

# TABLE ROCK LAKE



# ALLOCATION MAPS

EXHIBIT I

CESWL-CO-L

DEPARTMENT OF THE ARMY SWLOM 1130-2-33  
Little Rock District, Corps of Engineers  
P.O. Box 867  
Little Rock, Arkansas 72203-0867

Office Memorandum  
No. 1130-2-33

15 September 1992

Project Operations  
SHORELINE MANAGEMENT AT CIVIL WORKS PROJECTS

1. Purpose. This memorandum provides specific policies and procedures regarding shoreline management activities required on projects in the Little Rock District.

2. Applicability. This memorandum applies to all water resource development projects in the Little Rock District.

3. References.

a. 36 CFR 327.30 published 27 July 1990.

b. ER 1130-2-406 dated 31 October 1990.

4. Policy.

a. Resident Engineers/Managers will protect and manage the shoreline of the water resource development projects under their jurisdiction. They will promote the safe and healthful use of the shoreline by the public while maintaining environmental safeguards to ensure a quality resource for future public use. Public pedestrian access to, from, and along these shorelines will be preserved.

b. Shoreline Management Plans will be developed for Beaver, Bull Shoals, Dardanelle, Greers Ferry, Millwood, Norfolk, and Table Rock Lakes. These plans will consider the provisions of the currently approved lakeshore management plans which were prepared to address shoreline uses related to mooring of private floating facilities (boat docks) and related activities. The lakeshore management plans provide for a balance between private use and resource protection, and they were periodically reviewed and updated to reflect local norms and conditions. For this reason, the lakeshore management plans will serve as a basis for developing the Shoreline Management Plans required by ER 1130-2-406.

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This memorandum rescinds LRDOM 1130-2-11 dated 28 May 1985, LRDOM 1130-2-15 dated 10 March 1986, and LRDOM 1130-2-18 dated 25 June 1987.



15 Sep 92

c. Current policy statements for Blue Mountain, Clearwater, DeQueen, Dierks, Gillham, Nimrod, and Ozark Lakes will be reviewed and any authorized shoreline uses addressed. Since there were no private floating facilities (boat docks) on these lakes as of 13 December 1974, none will be permitted in the future.

d. Policy statements will be developed for Navigation Pools 1,2,3,4,5,6,7,8,9 and 13. Private shoreline uses will not be permitted on any of the lands owned in fee on these projects. Private uses of other portions of the shoreline of these projects may require a Section 10 or Section 404 Department of the Army Permit.

e. The currently approved lakeshore management plans and/or policy statements will remain in effect until the Shoreline Management Plans and updated policy statements have been approved by the Division Engineer, Southwestern.

f. The size, configuration, and anchoring plan for docks will be approved by the Resident Engineer/Manager. The maximum size of private floating facilities, including community docks, will be 20 slips for safety reasons and to assure maneuverability of the dock during periods of pool fluctuation. Docks should not extend out from the shore more than one-third of the cove width at conservation pool elevation. Existing docks larger than 20 slips will be grandfathered if safely maintained and shoreline is not needed for a higher purpose.

g. An individual may have a maximum of two slips in any new dock. Valid state boat registration will be necessary to verify slip needs. An individual may have only one of the three following items to preclude usurpation of the shoreline. The applicant may have either:

- (1) A permit for a private floating facility.
- (2) A permit for a mooring buoy.
- (3) Ownership of a slip in a community dock.

h. The Little Rock District encourages the use of community boat docks as a means of limiting the proliferation of individual docks on the project. The following items will be considered when granting permits for community boat docks:

- (1) The permit for a community dock will be issued to the person designated in an association agreement, or similar document, as the authorized representative for the slip owners in the dock. Valid boat registrations will be used to verify slip occupancy/ownership. Evidence must be furnished with the application assuring that the community dock association agreement and contracts for slip ownership have been notarized and filed with the county clerk. See Appendix E.

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(2) The Resident Engineer/Manager will assess conditions and consider designating the zone for community docks only when the number of docks in a given zone reaches 50 percent of the estimated capacity of that zone (at conservation pool elevation) or when development and/or growth patterns indicate high demand potential for mooring facilities. Compatibility with existing docks and adequacy of access roads and parking facilities will be considered before designating a zone for community docks only.

i. Underground electrical service lines are encouraged, but in consideration of rocky terrain, soil conditions, and pool fluctuation, excavation may be determined to be impractical. Under these restrictive conditions, overhead electrical lines will be permitted. Electrical service lines must meet all applicable electrical codes, regulations, and clearance requirements. In those states where electricians are licensed, registered or otherwise certified, a copy of the electrical certification (Appendix F) must be provided to the Resident Engineer/Manager before a Shoreline Use Permit can be issued or renewed. In states where electricians are not licensed, registered or otherwise certified, the electrical certification form may be furnished by an electrical contractor.

j. Docks will be spaced a minimum of 100 feet apart. This distance, measured at the conservation pool elevation, will provide increased fire protection, personal privacy, shoreline aesthetics, fishing access, and general recreational use. The open space will also facilitate frequent maintenance of docks, cables, stiff-arms, and related features of the dock. Sufficient open space will be maintained for simultaneous maneuvering of swimmers and several watercraft in a safe manner. Lesser spacings that have been previously approved will be grandfathered.

k. The facilities in limited development areas will not occupy more than 50 percent of the total shoreline bearing that designation. Density will be determined by measuring linear feet of shoreline in the zone and comparing it to the width of the facilities.

l. Adjacent landowners at Beaver Lake, Bull Shoals Lake, Lake Dardanelle, Greers Ferry Lake, Millwood Lake, Lake Norfolk and Table Rock Lake must obtain a permit from the Resident Engineer/Manager prior to modifying the vegetative characteristics of project lands. This requirement applies to mowing and/or removal of grasses, shrubs, and small trees. Permits for vegetative modification will not be granted to individuals in areas designated as public recreation areas, including buffers, or on lands allocated as prohibited access areas. Vegetative modification is subject to the following conditions:

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(1) Only hand-operated tools and noncommercial riding lawn mowers may be used. The use of heavy equipment, such as tractors or bulldozers, is not permitted.

(2) Only dead or diseased trees previously inspected by the Resident Engineer/Manager or his representative may be cut. Any felled trees must be removed from project lands for disposal. No burning by individuals will be allowed on project lands.

(3) Healthy trees, larger than 2 inches in diameter (measured at chest height), may not be removed. Flowering trees or shrubs, such as dogwood or red buds, may not be cut regardless of their size. Trimming of healthy trees to obtain a view is prohibited. In certain cases, the Resident Engineer/Manager may restrict the cutting of trees less than 2 inches in diameter if it is determined it would create an erosion problem or similar adverse impact.

(4) The limits of vegetation modification are dependent on the proximity of habitable structures to the project boundary. Maximum allowable limits of vegetation modification are tabulated below:

Beaver	100 feet
Bull Shoals	200 feet
Dardanelle	200 feet
Greers Ferry	50 feet
Millwood	200 feet
Norfork	100 feet
Table Rock	200 feet

The actual limits of vegetation modification in each case will be determined by the Resident Engineer/Manager, or his representative, and defined on the shoreline use permit.

(5) Shoreline use permits may be issued to authorize pedestrian access paths from adjoining private property to the shoreline. These paths must follow meandering routes to reduce erosion and to minimize the need for removal of grasses, shrubs and small trees (less than 2 inches in diameter measured at chest height). It is recognized that paths constructed to blend into their natural surroundings will, by necessity, vary in width depending on physical conditions along the meandering path route. Pedestrian access paths to the shoreline should not exceed 6 feet in width, measured at their widest point(s). The shoreline use permit does not convey the right to construct any structures, such as bridges or steps, in connection with the path. If structures such as bridges or steps are proposed, a real estate outgrant will be required and must be obtained before any work is started.

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(6) There may be reaches of the shoreline that are popular areas for public use or have potential for public use. Many of these areas have been kept mowed by the adjacent landowners and it may be in the best interest of the general public to allow this practice to continue at those locations where substantial public use is made possible in part by the clearing and mowing. The Resident Engineer/Manager, or his representative, will consider each case on an individual basis. The shoreline use permit issued for this purpose will contain the added condition that, "All lands covered by this permit will remain open at all times for use by the general public."

(7) Requests for shoreline improvements involving landscaping activities must be accompanied by a detailed or well-designed landscape plan. The plan will provide for better management of the area for the enhancement of wildlife propagation, protection of the aesthetics and prevention of erosion.

#### 5. Shoreline Management Plans.

a. Preparation and Approval. A Shoreline Management Plan will be prepared for each project where private floating facilities (boat docks) and/or other private shoreline uses are permitted. The plan will be prepared as a separate document, and it will become a part of the Operational Management Plan (OMP) after approval by the Division Commander. There will NOT be a moratorium on accepting applications during the Plan development and approval period.

b. Scope and Format. The Shoreline Management Plan will include the following detail items:

- (1) Maps illustrating shoreline allocations by color code.
- (2) Related rules and regulations.
- (3) Discussion of permitted private uses.
- (4) Permit application procedures.
- (5) Permit revocation procedures.
- (6) Provision for specific management adjustments, including:
  - (a) Unique lake characteristics which limit application of standards.
  - (b) Project land acquisition policy.
  - (c) Community docks only requirements.
  - (d) Other project specific conditions which may arise.

c. Matters Not Addressed. Requests for activities not specifically addressed in the Shoreline Management Plan will be sent to the Chief, Construction-Operations Division, for review, coordination, approval, or referral to higher headquarters.

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d. Shoreline Allocation. These allocations extend from the water's edge to the project boundary for land-based uses and from the shoreline waterward for floating facility considerations. The classifications will be delineated on the "Official Map" conspicuously displayed or readily available for viewing at the Resident Office. No changes will be made to the Official Map except through the formal updating process. The entire shoreline will be allocated within one of the following classifications.

(1) Limited Development Areas. These areas are shown in red on the shoreline allocation maps. Private facilities and/or activities including vegetation modification and foot-path construction are allowed.

(2) Public Recreation Areas. Public recreation areas and adjoining buffer areas are shown in green on the shoreline allocation maps. Private shoreline use facilities and/or activities are not permitted within designated or developed recreation areas or adjoining buffer areas.

(3) Protected Shoreline Areas. The shoreline allocation maps do not designate these areas with a color code. Shoreline Use Permits will not be issued for floating facilities in these zones. Vegetation modification and foot-path construction may be permitted in these areas. The Resident Engineer/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.

(4) Prohibited Access Areas. Prohibited access areas are shown in blue on the shoreline allocation maps. No shoreline use permits will be issued in Prohibited Access Areas. These areas typically include hazardous zones near dams, spillways, hydroelectric power stations, or water intake structures. Public access is not allowed in these areas for health, safety, or security reasons.

e. Public Participation in Plan Formulation. Public participation will be an integral part of the development and updating process for Shoreline Management Plans. Public input will be solicited through various means and techniques including public meetings, group workshops, and open houses. These sessions will be conducted at the Resident Offices or at convenient locations in the vicinity of the project. Resident Engineers/Managers will maximize the use of the news media to alert citizen and conservation organizations, Federal, state and local natural resource management agencies, commercial concessionaires, congressional liaisons, shoreline use permittees, and other concerned entities of the opportunity to participate in this process. Notices of public involvement opportunities will also allow for a 30-day period for receiving written public comments regarding the Plan or its revisions.

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f. Plan Review and Updating Procedure. Shoreline Management Plans will be reviewed at least once every 5 years. The Plan may be supplemented more frequently should regulations, project conditions, or management objectives change significantly. The District Engineer may approve minor administrative revisions to the Plan when the revisions are consistent with ER 1130-2-406 or 36 CFR 327.30. Addition and/or deletion of Limited Development Areas are not minor revisions. Revisions of this nature require public involvement and approval by the Division Commander.

6. Instruments for Shoreline Use.

a. Shoreline Use Permits. Resident Engineers/Managers will use ENG Form 4264-R to evaluate and approve requests for private floating facilities and activities on the shoreline of projects with approved Shoreline Management Plans. Permits will be issued on ENG Form 4264-R. These permits will also be used to approve mowing for fire protection, foot-path construction, and similar activities which do not involve a change of land form or involve placement of permanent structures on project land. Multiple permitted uses should be included in the same permit. Administrative procedures regarding permit fees, terms, and transfer are furnished below:

(1) Permits should be issued for a period of 5 years to minimize administrative costs. Permit and annual inspection fees will be paid when the permit is issued. Fees for Shoreline Use Permits will be established by a separate regulation and are nonrefundable.

(2) Shoreline use permits are non transferable. The permits become null and void upon sale or transfer of the permitted facility or by the death of the permittee(s). Permits for facilities and/or activities in limited development areas and for grandfathered activities or facilities may be issued to the new owner(s) at the same location.

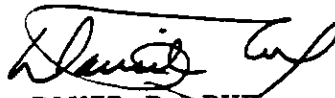
b. Department of the Army Permits. Requests involving dredging, placement of fill, construction of fixed or combination fixed-floating structures and discharge of dredged material will be evaluated under authority of Section 10 and/or Section 404 permit requirements by the Regulatory Branch, Construction-Operations Division. Applications to place only private floating facilities (boat docks) on the navigation pools of the Arkansas River (with the exception of Dardanelle and Ozark Lakes) will be evaluated under authority of Section 10 permit requirements. Shoreline Use Permits are not required for facilities covered by a Section 10 or 404 permit.

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

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

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



DAVID R. RUF  
Colonel, Corps of Engineers  
District Engineer

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

DISTRIBUTION A

APPENDIX A  
SHORELINE USE PERMIT  
GUIDELINES

1. General.

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

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

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

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

2. Processing Shoreline Use Permits.

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

SWLOM 1130-2-33  
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APPENDIX B  
APPLICATION FOR SHORELINE USE PERMIT

APPLICATION FOR SHORELINE USE PERMIT (SR 1130-2-408)																										
<i>(See reverse side for Privacy Act Statement)</i> Print or type information requested below. Submit two completed and original signed copies of this application with two complete sets of plans and specifications to the Resource Manager.																										
PROJECT	DATE OF APPLICATION																									
NAME OF APPLICANT (and Successor if applicable)	TELEPHONE, AREA CODE AND NUMBER																									
STREET	CITY, STATE, ZIP CODE																									
TYPE OF FACILITY (Circle one of these circles as appropriate) <input type="checkbox"/> NEW <input type="checkbox"/> RENEWAL																										
<table border="0"><thead><tr><th colspan="2">WATER-BASE</th><th colspan="2">LAND-BASE</th></tr></thead><tbody><tr><td><input type="checkbox"/> SINGLE-OWNER DOCK</td><td><input type="checkbox"/> SKI LIFT</td><td><input type="checkbox"/> UNDERPAVING</td><td><input type="checkbox"/> MOWING</td></tr><tr><td><input type="checkbox"/> COMMUNITY DOCK</td><td><input type="checkbox"/> SKI COURSE</td><td><input type="checkbox"/> PLANT / LANDSCAPING</td><td><input type="checkbox"/> FOOT PATH</td></tr><tr><td><input type="checkbox"/> MOORING BUOY</td><td><input type="checkbox"/> SWIM FLOAT</td><td><input type="checkbox"/> EROSION CONTROL</td><td></td></tr><tr><td><input type="checkbox"/> MOORING POST</td><td><input type="checkbox"/> DUCK BLIND</td><td></td><td></td></tr><tr><td colspan="4"><input type="checkbox"/> OTHER (Describe): _____</td></tr></tbody></table>			WATER-BASE		LAND-BASE		<input type="checkbox"/> SINGLE-OWNER DOCK	<input type="checkbox"/> SKI LIFT	<input type="checkbox"/> UNDERPAVING	<input type="checkbox"/> MOWING	<input type="checkbox"/> COMMUNITY DOCK	<input type="checkbox"/> SKI COURSE	<input type="checkbox"/> PLANT / LANDSCAPING	<input type="checkbox"/> FOOT PATH	<input type="checkbox"/> MOORING BUOY	<input type="checkbox"/> SWIM FLOAT	<input type="checkbox"/> EROSION CONTROL		<input type="checkbox"/> MOORING POST	<input type="checkbox"/> DUCK BLIND			<input type="checkbox"/> OTHER (Describe): _____			
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BRIEF DESCRIPTION OF FACILITY LOCATION, STATE LICENSE NUMBERS OF BOATS TO BE DOCKED (if this application is for a boat mooring facility) OR DEVELOPMENT (if this application is for land use)																										
<p style="text-align: center;"><b>FOR ILLUSTRATION PURPOSES ONLY</b> (Local reproduction authorized - blank masters available from local FMO)</p>																										
THE FOLLOWING ALTERNATE PARTY WILL BE READY AVAILABLE ON SHORT-NOTICE CALL AND RESPONSIBLE FOR PROVIDING ANY NEEDED SURVEILLANCE OF THE STRUCTURE IN MY ABSENCE.																										
NAME	TELEPHONE, AREA CODE AND NUMBER																									
STREET	CITY, STATE, ZIP CODE																									
I UNDERSTAND AND AGREE TO THE CONDITIONS OF THE PERMIT FOR SHORELINE USE. TWO COMPLETE SETS OF THE PLANS AND SPECIFICATIONS INCLUDING SITE LOCATION AND LAYOUT PLAN FOR THE PROPOSED ACTIVITY, STRUCTURE OR ANCHORAGE SYSTEM ARE ENCLOSED.																										
<table border="0"><tr><td>_____ (Name)</td><td>_____ (Signature of Applicant)</td></tr><tr><td>_____ (Name)</td><td>_____ (Signature of Resource Manager)</td></tr></table>			_____ (Name)	_____ (Signature of Applicant)	_____ (Name)	_____ (Signature of Resource Manager)																				
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THE APPLICANT IS HEREBY GRANTED A PERMIT TO CONSTRUCT AND/OR MAINTAIN AND USE A FLOATING RECREATION FACILITY OR OTHER DEVELOPMENT AS SHOWN ON THE ATTACHED PLANS SUBJECT TO THE RULES AND REGULATIONS OF THE CORPS OF ENGINEERS ON WATERS UNDER THE CONTROL OF THE U.S. ARMY, CORPS OF ENGINEERS. THE PERMITTEE SHALL ADHERE TO THE CONDITIONS FOR SHORELINE USE SET FORTH IN APPENDIX C OF SR 1130-2-408.																										
<table border="0"><tr><td>_____ (Name)</td><td>_____ (Signature of Resource Manager)</td></tr></table>			_____ (Name)	_____ (Signature of Resource Manager)																						
_____ (Name)	_____ (Signature of Resource Manager)																									

DATA REQUIRED BY THE PRIVACY ACT OF 1974

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

APPENDIX C  
SHORELINE USE PERMIT CONDITIONS

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

1. This permit is granted solely to the applicant for the purpose(s) described on the attached permit. (1)
2. This permit is non-transferable. Upon the sale or other transfer of the permitted facility or the death of the permittee and his/her legal spouse, this permit is null and void. (20)
3. If the ownership of a permitted facility is sold or transferred, the permittee or new owner will notify the Resource Manager of the action prior to finalization. The new owner must apply for a Shoreline Use Permit within 14 days or remove the facility and restore the use area within 30 days from the date of ownership transfer. (26)
4. The permittee agrees to and does hereby release and agree to save and hold the Government harmless from any and all causes of action, suits at law or equity, or claims or demands or from any liability of any nature whatsoever for or on account of any damages to persons or property, including a permitted facility, growing out of the ownership, construction, operation or maintenance by the permittee of the permitted facilities and/or activities. (2)
5. The Government shall in no case be liable for any damage or injury to a permitted facility which may be caused by or result from subsequent operations undertaken by the Government for the improvement of navigation or for other lawful purposes, and no claims or right to compensation shall accrue from any such damage. This includes any damage that may occur to private property if a facility is removed for noncompliance with the conditions of the permit. (6)
6. Ownership, construction, operation, use and maintenance of a permitted facility are subject to the Government's navigation servitude. (3)
7. No attempt shall be made by the permittee to forbid the full and free use by the public of all public waters and/or lands at or adjacent to the permitted facility or to unreasonably interfere with any authorized project purposes, including navigation in connection with the ownership, construction, operation or maintenance of a permitted facility and/or activity. (4)

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8. The permittee agrees that if subsequent operations by the Government require an alteration in the location of a permitted facility and/or activity or if in the opinion of the district commander a permitted facility and/or activity shall cause unreasonable obstruction to navigation or that the public interest so requires, the permittee shall be required, upon written notice from the district commander, to remove, alter, or relocate the permitted facility without expense to the Government. (5)

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

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

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

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

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

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

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

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

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

18. Neither a permitted facility nor any houseboat, cabin cruiser, or other vessel moored thereto shall be used as a place of habitation or as a full or part-time residence or in any manner which gives the appearance of converting the public property, on which the facility is located, to private use. (12)

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

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

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

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

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

24. When vegetation modification is allowed, the permittee will delineate the government property line in a clear, but unobtrusive manner approved by the resource manager and in accordance with the project shoreline management plan. (25)

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

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

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



APPENDIX D

SHORELINE USE PERMIT TAG  
(SAMPLE)

**Permit 01234**  
**Expires 30 Nov. 1987**

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



US Army Corps  
of Engineers

FOR ILLUSTRATION PURPOSES ONLY

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

APPENDIX E

Community Dock Forms (Sample)

COMMUNITY DOCK OWNERS ASSOCIATION AGREEMENT

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

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

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

Signed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ )

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

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

My term expires \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
Notary Public

Reverse of Association Agreement

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

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

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

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

\*Description must include:

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

The price for said property shall be \$ \_\_\_\_\_

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

BUYER \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_

BUYER \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_

SELLER \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_

SELLER \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_

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

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STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
before me, \_\_\_\_\_, a Notary Public, personally  
appeared \_\_\_\_\_ and \_\_\_\_\_  
his wife, to me known to be the persons described in and who  
executed the foregoing instrument, and acknowledged that they  
executed the same as their free act and deed.  
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my  
official seal at my office in \_\_\_\_\_ the  
day and year last above written.  
My term expires \_\_\_\_\_, 19\_\_\_\_  
\_\_\_\_\_, Notary Public in and for said County and  
State.

STATE OF \_\_\_\_\_ IN THE RECORDERS OFFICE  
COUNTY OF \_\_\_\_\_  
I, \_\_\_\_\_ Recorder of said  
County, do hereby certify that the within instrument of writing  
was at \_\_\_\_\_ o' clock and \_\_\_\_\_ minutes \_\_\_\_\_ M., on the \_\_\_\_\_  
day of \_\_\_\_\_ A.D., 19\_\_\_\_, duly filed for record in  
my office, and is recorded in the records of this office, in  
book \_\_\_\_\_, at page \_\_\_\_\_.  
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my  
official seal at \_\_\_\_\_ this \_\_\_\_\_  
day of \_\_\_\_\_ A.D., 19\_\_\_\_

\_\_\_\_\_, Recorder

Reverse of Contract for Sale of Stall(s)

APPENDIX F

Electrical Certification Form  
(Sample)

CERTIFICATE OF ELECTRICAL INSPECTION

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

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

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Name of Electrician  
or Electrical  
Contractor (Print)

\_\_\_\_\_  
Inspector's Name  
(Print)

\_\_\_\_\_  
Telephone Number  
(Print)

\_\_\_\_\_  
Inspector's License  
Number

\_\_\_\_\_  
Inspector's Signature

## APPENDIX G

### MINIMUM CONSTRUCTION AND MAINTENANCE REQUIREMENTS FOR PRIVATE FLOATING FACILITIES

1. General. This appendix is designed to assist the applicant and dock permittee in constructing a safe, well maintained private dock on projects within the Little Rock District.
2. General Requirements:
  - a. The mooring location for the dock must be approved by the Resident Engineer/Manager prior to construction of the dock. Each applicant must furnish two sets of plans for the dock, drawn to an appropriate scale, for review and approval by the Resident Engineer/Manager prior to starting construction of the dock.
  - b. The facility will be subject to periodic inspection by Corps personnel during construction and/or assembly. No deviation or changes from approved plans will be permitted without prior written approval of Corps personnel. Upon completion, all docks placed or operated on the project are subject to periodic inspection by the Resident Engineer/Manager or his authorized representative. If the inspection reveals conditions which make the dock unsafe from a safety, navigation, or other standpoint, such conditions must be corrected within the time period specified by the Resident Engineer/Manager.
  - c. Additional requirements may be specified on the (Eng Form 4264-R) and/or in the shoreline management plan for the project.
3. Design Criteria.
  - a. Design Loads (Minimum) :
    - (1) Deck loads and walkways (substructure) 30#/sq ft
    - (2) Windloads (sub- and superstructures) 20#/sq ft
    - (3) Roof loads (superstructures) 10#/sq ft
  - b. Wood Construction: Wood materials will be of good quality, suitable for the intended purpose. All connections will be secured to resist movement that would tend to dismantle the structural connections. Treated lumber will be used in the substructure, decking and walkways. "Penta" or "creosote"

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

h. Walkways:

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

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

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

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

i. Handrails:

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

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

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

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

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

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

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

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

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

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

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

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

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

TABLE 1  
FLOOD CONTROL POOL ELEVATIONS

WHITE RIVER SYSTEM

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

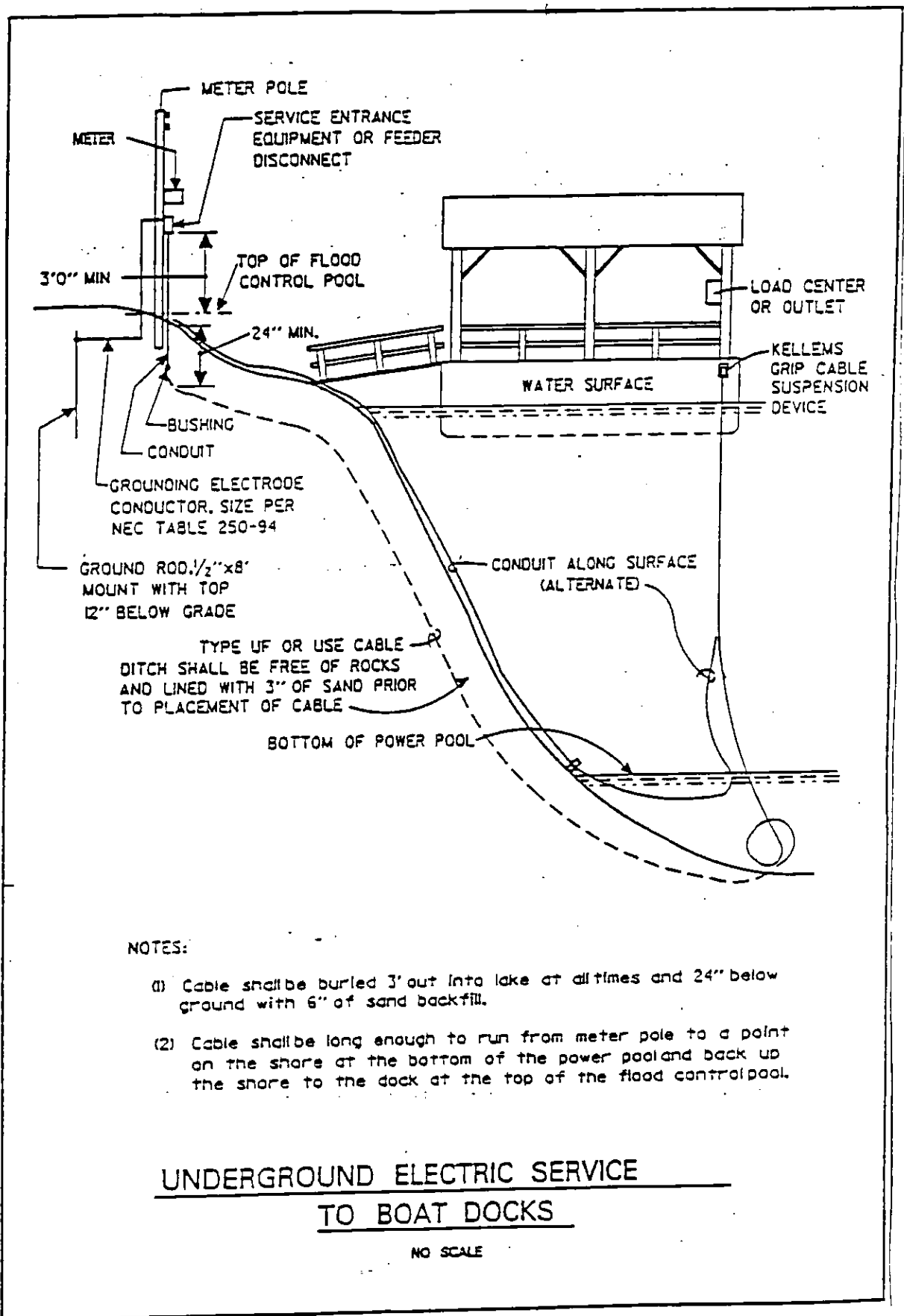
ARKANSAS RIVER SYSTEM

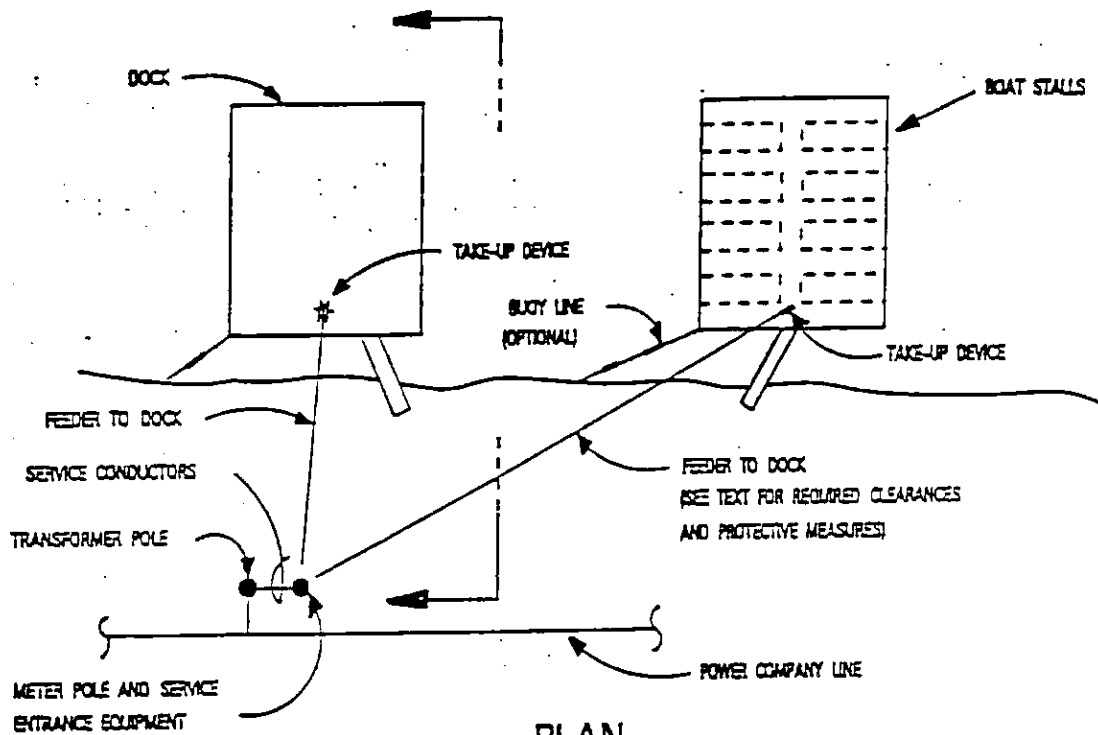
Blue Mountain .....	419
Nimrod .....	373
James W. Trimble .....	392
Ozark .....	372
Dardanelle .....	338
Arthur V. Ormond .....	287
Toad Suck .....	265
Murray .....	249
David D. Terry .....	231
L&D 5 .....	213
L&D 4 .....	196
L&D 3 .....	182
Lock 2 - Wilbur Mills Dam .....	162

LITTLE RIVER SYSTEM

DeQueen .....	473.5
Gillham .....	569
Dierks .....	557.5
Millwood .....	287

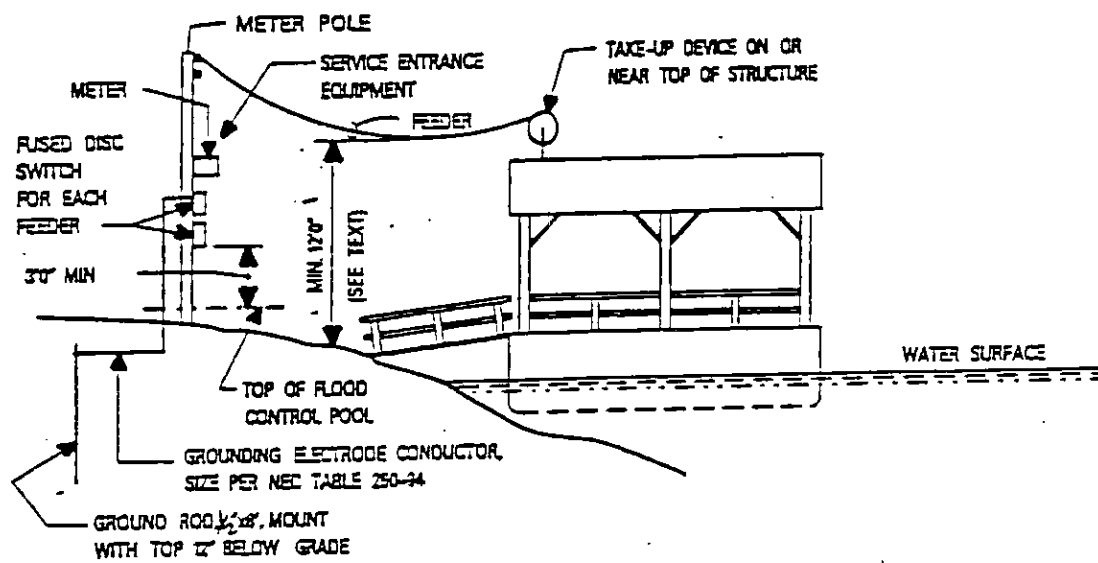
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### PLAN

NO SCALE



### SECTION

NO SCALE

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

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

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

a. The previous shoreline allocations will be reinstated.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

**§ 327.30 Shoreline Management on Civil Works Projects.**

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

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

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

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

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

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

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

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

(7) The Water Resources Development Act of 1986 (Pub. L. 99-662).

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

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

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

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

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

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

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

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

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

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

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

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

(e) *Shoreline Management Plan—*

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

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

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

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

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

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

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

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

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

(iv) *Prohibited Access Areas.* Prohibited Access Areas are those in which public access is not allowed or is restricted for health, safety or security reasons. These could include hazardous areas near dams, spillways, 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 broad-based to cover all aspects of public interest. The key to successful implementation is an early and continual public relations program. Projects with significant numbers of permits should consider developing computerized programs to facilitate exchange of information with permittees and to improve program efficiency. Special care will be taken to advise citizen and conservation organizations; Federal, state and local natural resource management agencies; Indian Tribes; the media; commercial concessionaires; congressional liaisons; adjacent landowners and other concerned entities during the formulation of Shoreline Management Plans and subsequent revisions. Notices shall be published prior to public meetings to assure maximum public awareness. Public notices shall be issued by the district commander allowing for a minimum of 30 days for receipt of written public comment in regard to the proposed Shoreline Management Plan or any major revision thereto.

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

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

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

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

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

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

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

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

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

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

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

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

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

set them apart from other facilities or activities.

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

(2) In accordance with section 1134(d) of Public Law 99-662, any houseboat, boathouse, floating cabin or lawfully installed dock or appurtenant structures in place under a valid shoreline use permit as of November 17, 1988, 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-R-E, Oct 87 (Electronic generation approved by USACE, Oct 87)".

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

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

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

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

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

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

permits for non-commercial group mooring facilities.

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

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

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

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

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

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

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

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

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

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

**3. Permit Revocation**

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

**4. Removal of Facilities**

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

**5. Posting of Permit Number**

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

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

**Appendix C to § 327.30—Shoreline Use Permit Conditions**

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

2. The permittee agrees to and does hereby release and agree to save and hold the Government harmless from any and all causes of action, suits at law or equity, or claims or demands or from any liability of any nature whatsoever for or on account of any damages to persons or property, including a permitted facility, growing out of the ownership, construction, operation or maintenance by the permittee of the permitted facilities and/or activities.

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

4. No attempt shall be made by the permittee to forbid the full and free use by

the public of all public waters and/or lands at or adjacent to the permitted facility or to unreasonably interfere with any authorized project purposes, including navigation in connection with the ownership, construction, operation or maintenance of a permitted facility and/or activity.

5. The permittee agrees that if subsequent operations by the Government require an alteration in the location of a permitted facility and/or activity or if in the opinion of the district commander a permitted facility and/or activity shall cause unreasonable obstruction to navigation or that the public interest so requires, the permittee shall be required, upon written notice from the district commander to remove, alter, or relocate the permitted facility, without expense to the Government.

6. The Government shall in no case be liable for any damage or injury to a permitted facility which may be caused by or result from subsequent operations undertaken by the Government for the improvement of navigation or for other lawful purposes, and no claims or right to compensation shall accrue from any such damage. This includes any damage that may occur to private property if a facility is removed for noncompliance with the conditions of the permit.

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

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

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

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

11. The use of a permitted boat dock facility shall be limited to the mooring of the permittee's vessel or watercraft and the

storage, in enclosed locker facilities, of his/her gear essential to the operation of such vessel or watercraft.

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

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

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

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

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

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

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

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

20. This permit is non-transferable. Upon the sale or other transfer of the permitted facility or the death of the permittee and his/her legal spouse, this permit is null and void.

21. By 30 days written notice, mailed to the permittee by certified letter, the district commander may revoke this permit whenever the public interest necessitates such revocation or when the permittee fails to comply with any permit condition or term. The revocation notice shall specify the reasons for such action. If the permittee

requests a hearing in writing to the district commander through the resource manager within the 30-day period, the district commander shall grant such hearing at the earliest opportunity. In no event shall the hearing date be more than 60 days from the date of the hearing request. Following the hearing, a written decision will be rendered and a copy mailed to the permittee by certified letter.

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

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

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

25. When vegetation modification is allowed, the permittee will delineate the government property line in a clear, but unobtrusive manner approved by the resource manager and in accordance with the project Shoreline Management Plan.

26. If the ownership of a permitted facility is sold or transferred, the permittee or new owner will notify the Resource Manager of the action prior to finalization. The new owner must apply for a Shoreline Use Permit within 14 days or remove the facility and restore the use area within 30 days from the date of ownership transfer.

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

#### Appendix D to § 327.30—Permit (Reserved)

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

## TERMINATION OF SHORELINE USE PERMITS

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



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

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

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

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

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

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

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

### MOORING BUOYS

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

## TRAMWAYS

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

GENERAL TRAMWAY DESIGN REQUIREMENTS  
FOR TABLE ROCK LAKE

A. GENERAL

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

B. TRACK

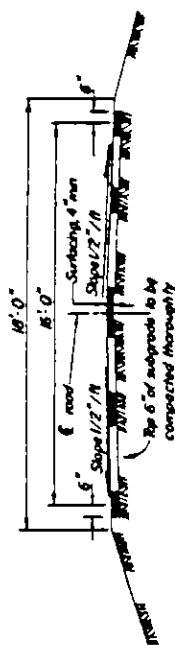
1. Spacing for concrete pedestal or supports - maximum 5 feet.
2. Rails permanently attached and anchored (welded, bolted, etc.).
3. All exposed metal will be coated with two coats of rust inhibitor-type paint. (Color to blend with ground and shoreline.)
4. Rails must follow as close as possible to contour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

C. WINCH

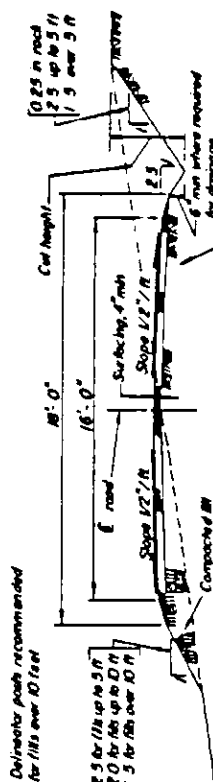
1. Winch must be bolted to a platform anchored to land end of rails.
2. Winch will be powered by electrical reversible motor of sufficient horsepower to do the job adequately.
3. Minimum of 1/4 inch cable shall be used on winch.

D. TROLLEY

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



TRENCH TYPE SECTION



BLANKET TYPE SECTION  
TYPICAL ROAD SECTIONS

ROADS

Maximum grade	(percent)	16
Width of surface (feet)		16
Type of surfacing		4" thick crushed stone gravel or other material meeting applicable State highway specifications for good surface course or rigid pavement.

BRIDGES AND CULVERTS

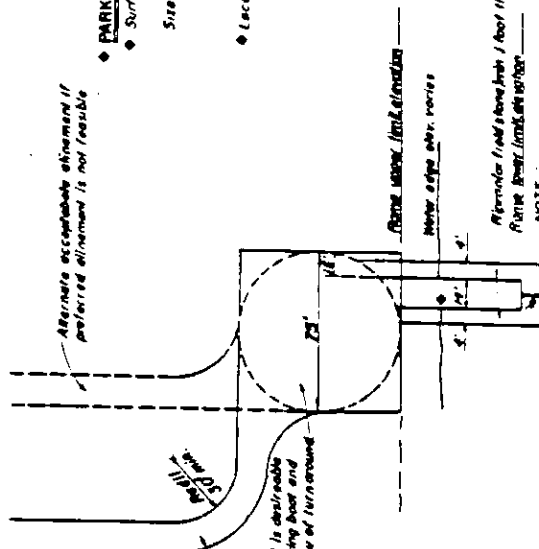
Culverts - clear subgrade width (feet)	16
Bridges - clear roadway width (feet)	16 (12' wide one way bridge acceptable where adequately marked)

NOTE

Plan must extend to public road

PARKING AREA NOTES

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



SUBMISSION OF CONSTRUCTION PLANS

Construction plans must be submitted to the Resident Engineer and approved prior to the start of any construction. The plans must include at least the following:

1. A plan layout of the facility of a scale not smaller than 1" = 100' feet
2. The type of surfacing that will be provided
3. Elevation of both the upper and lower ends of the launching ramp
4. Location of the tie to existing public road
5. Limits of requested easements
6. Limits of private ownership
7. Statement that road, parking area and ramp will be open in perpetuity for free public access
8. Proposed methods of erosion control before ground cleared and desirable growth of shrubs and trees should be present in the maximum extent possible. Shrub, sods, and other erodible areas should be seeded, mulched, and sodded as necessary
9. The access road alignment must avoid a straight line approach to the ramp for safety

BOAT LAUNCHING RAMPS AND PARKING AREAS

BOAT LAUNCHING RAMP NOTES

- Vertical limits
  - 1 Upper limits
    - a Flood control and multiple purpose reservoirs
    - b Navigation reservoirs
  - 2 Lower limits
    - a Flood control reservoirs
    - b Multiple purpose reservoirs
    - c Navigation reservoirs
- Ramp width (Range 3' to 12' per cent)
- Ramp material
  - 1 Permanent
    - a 4" thick steel reinforced concrete or (2) Non steel steel precast mat

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



## APPLICATION FOR BUOYS FOR THE WATERS OF THE STATE OF MISSOURI

DATE \_\_\_\_\_

NAME OF APPLICANT(S) \_\_\_\_\_ PHONE NO. \_\_\_\_\_

ADDRESS \_\_\_\_\_ ZIP \_\_\_\_\_

GIVE MILE MARKER \_\_\_\_\_ GIVE NAME OF COVE OR ARM \_\_\_\_\_

NAME OF RESORT OR SUBDIVISION \_\_\_\_\_ NAME OF LAKE OR RIVER \_\_\_\_\_

NAME OF COUNTY BUOYS ARE TO BE PLACED IN \_\_\_\_\_

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

## THE APPLICANT MUST COMPLY WITH THE UNIFORM STATE MARKER SYSTEM!

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

## NECESSARY INFORMATION FROM APPLICANT

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

Signature of Applicant \_\_\_\_\_



## AIDS TO NAVIGATION AND REGULATORY MARKERS

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

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

## REGULATORY BUOYS AND AIDS TO NAVIGATION:

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



INFORMATION BUOY: Gives boater information such as public facilities.



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



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



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



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



ANCHOR OR MOORING BUOY: Prevents vessel from drifting.

EXHIBIT IX

SCHEDULE OF SHORELINE USE FEES

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

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

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

LAND BASE PERMITS

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

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