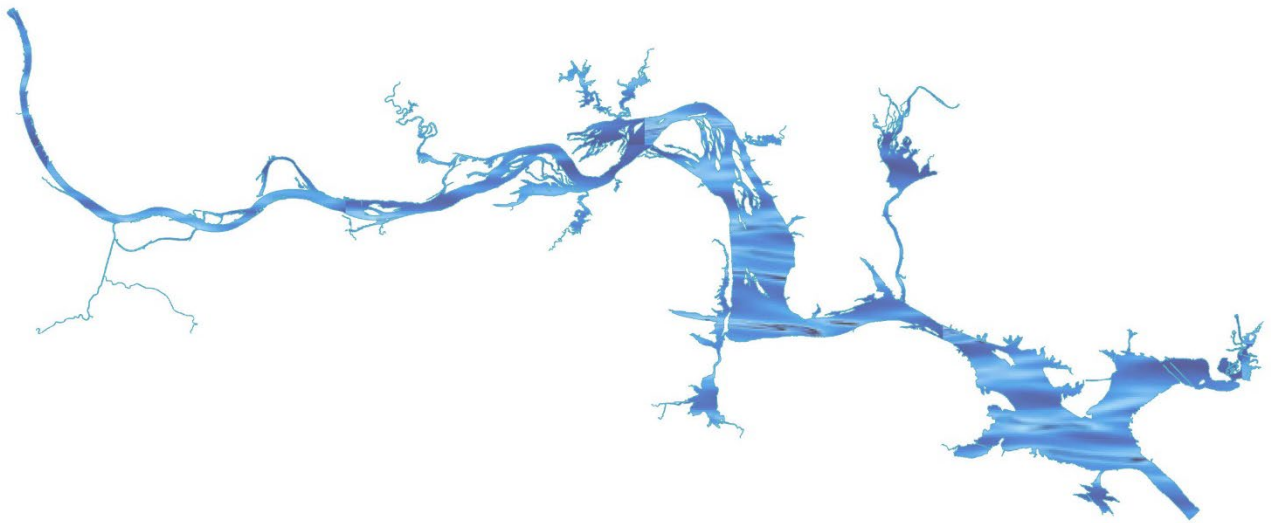


Shoreline Management Plan



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

**Lake
Dardanelle**

2026

**SHORELINE MANAGEMENT PLAN
SUPPLEMENT TO THE
LAKE DARDANELLE
OPERATIONAL MANAGEMENT PLAN**

**DEPARTMENT OF THE ARMY
LITTLE ROCK DISTRICT CORPS OF ENGINEERS
LITTLE ROCK, ARKANSAS
May 2026**

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

INTRODUCTION

PURPOSE

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

POLICY

It is the policy of the Chief of Engineers to protect and manage shorelines of all Civil Works water resource development projects under USACE jurisdiction in a manner which will promote the safe and healthful use of these shorelines by the public while maintaining environmental safeguards to ensure a quality resource for use by the public. Authority for administering this policy is granted under Public Laws 86-717 and 87-874 which charge the Chief of Engineers with the application of good conservation practices which promote recreation and with the operation and maintenance of water resource projects in the public interest.

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

REFERENCES

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

- Section 4, 1944 Flood Control Act, as amended (16 USC 460d).
- The Rivers and Harbors Act of 1894, as amended and supplemented (33 USC 1).
- Section 10, Rivers and Harbors Act of 1899 (33 USC 403).
- National Historic Preservation Act of 1966 (Public Law 89-665; 80 Stat. 915) as amended (16 USC 470 et seq.).
- The National Environmental Policy Act of 1969 as amended (42 USC 4321, et seq.).
- The Clean Water Act (33 USC 1344 et seq.).
- Title III of Public Law 85-500 (the 1958 River and Harbor Act) is entitled the "Water Supply Act of 1958." This act was amended by Section 10 of Public Law 87-88 and by Section 932 of Public Law 99-662.
- The Water Resources Development Act of 1986 (Public Law 99-662).
- Title 36, Chapter III, Part 327, Code of Federal Regulations, "Rules and Regulations Governing Public Use of Water Resources Development Projects Administered by the Chief of Engineers"

- Executive Order 12088 (13 Oct 1978), Federal Compliance with Pollution Control Standards.
- 33 CFR 320-330, “Regulatory Programs of the Corps of Engineers”
- ER 1130-2-540, “Management of Natural Resources and Outdoor Recreation at Water Resource Projects”.
- EM 385-1-1, “Safety and Health Requirements Manual”.
- The Federal Water Pollution Control Act of 1972 (FWPCA).
- ER 1130-2-540, “Historic Preservation Program”.
- Executive Order 11990, “Protection of Wetlands”.
- Endangered Species Act of 1973, as amended.
- Federal Insecticide, Fungicide, and Rodenticide Act of 1972, as amended (Public Law 92 516).
- ER 1130-2-406, Shoreline Management at Civil Works Projects (31 Oct 1990).
- Reservoir/Forest Cover Act of Sept. 6, 1960 (Public Law 86-717).
- ER 405-1-12, Real Estate Handbook, as amended.
- McClellan-Kerr Arkansas River Navigation System, Arkansas River. Little Rock District Master Plan for the Development and Management of the MKARNS (July 2023).

HISTORY AND BACKGROUND

LAKE DARDANELLE

Dardanelle Dam is located at Arkansas River navigation mile 205.5 in Pope and Yell Counties, Arkansas, at the north edge of the city of Dardanelle, Arkansas, and two miles southwest of Russellville, Arkansas. The lake extends 51 miles westerly along the Arkansas River into Pope, Yell, Johnson, Logan, and Franklin Counties, Arkansas, to Ozark Lock and Dam. The lake area is located in the Arkansas River Valley which is bounded on the north by the Boston Mountains and on the south by the Ouachita Mountains. Numerous clear-water streams enter the Arkansas River within the lake reach. The lower one-third of the project is surrounded by tree-covered, rocky slopes of the Ozark Mountains and the upper two-thirds of the project is bordered by a broad, flat, fertile alluvial valley.

The Dardanelle Dam and Lake was authorized by the River and Harbor Act of 1946 for navigation and production of hydroelectric power. This act approved the multi-purpose plan recommended in reports to the Chief of Engineers from 1945 and 1946. Dardanelle is a major unit in the multiple-purpose plan of development for the Arkansas River and tributaries in Arkansas and Oklahoma, now named the McClellan-Kerr Arkansas River Navigation System. Hydroelectric power generation, navigation, recreation, bank stabilization, and enhancement of fish and wildlife resources are authorized project purposes.

Overall construction of the project was initiated in June 1957. The dam was completed in August 1964, the powerplant was completed in June 1966, and the navigation lock was completed in December 1969. The reservoir was declared navigable in December 1969, and initial recreational facilities were constructed during the period from 1964 to 1972.

SHORELINE MANAGEMENT

The *Shoreline Management Plan for Lake Dardanelle* is the required U.S. Army Corps of Engineers (USACE) approval document (ER 1130-2-406) that protects and manages the shorelines of all Civil Works water resource development projects under USACE jurisdiction in a manner which will promote the safe and healthful use of these shorelines by the public while maintaining environmental safeguards to ensure a quality resource for use by the public.

The *Shoreline Management Plan for Lake Dardanelle* main objectives are to manage and protect the shoreline; to establish and maintain acceptable fish and wildlife habitat, aesthetic quality, and natural environment conditions; and to promote the safe and healthful use of the lake and shoreline for recreational purposes.

- The original *Shoreline Management Plan for Lake Dardanelle* (also known as the Lakeshore Management Plan) was approved in 1973.
- This plan was subsequently reviewed, updated with public involvement, and approved by the Division Engineer, Southwestern, in November 1975.
- This plan was reviewed again and updated with additional public involvement in 1981.
- Revision of 36 Code of Federal Regulations (CFR) 327. 30 in 1990 required the Little Rock District to convert its currently approved Lakeshore Management Plans to *Shoreline Management Plans*. The Little Rock District, prior to converting the shoreline management plans, implemented a District-wide shoreline management policy, SWLOM 1130-2-33, in September 1992. This policy was developed following a series of public meetings with consideration of the written comments.
- In 1995, an update was conducted to recommend changes in shoreline allocations at various locations around the lake. A public workshop was held at the Russellville Site Office to notify the public of the Shoreline Management Plan review. The Lake Dardanelle Office evaluated 38 rezoning requests resulting in the approval of 27 requests. The plan was approved on 15 Dec 1995.
- Administrative reviews have since been approved in 2006 and 2012 with the last updated version of the Shoreline Management Plan for Lake Dardanelle going into effect in June 2012.

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

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

DESCRIPTION OF SHORELINE

PROJECT INFORMATION

Lake Dardanelle is impounded by Dardanelle Dam which is located at Arkansas River navigation mile 205.5 in Pope and Yell Counties in Arkansas. Lake Dardanelle extends 51 miles westerly through Pope, Yell, Johnson, Logan, and Franklin Counties to the Ozark-Jeta Taylor Lock and Dam. Topography varies from fertile farmland in the upper one half of the Lake to tree-covered rocky slopes on the lower one half, which includes several clear water tributary streams. The water level at the Dardanelle Dam fluctuates from elevation 336.0 MSL (navigation pool) to elevation 338.2 MSL (power pool). Fluctuations increase progressively towards the upper end of the lake up to 25-30 feet for short periods. There are 56,874 acres of land and water area on Lake Dardanelle. This includes 31,551 acres of water and 25,374 acres of government land above pool elevation of 338 MSL. Flowage easements have been acquired for 8,673 acres. There are 6,750 acres in the original riverbed. Measured at elevation 338.2 MSL, the shoreline has a total length of 573 miles. There are 343 miles of surveyed and monumented government boundary.

PRESENT LAND USE

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

GENERAL PUBLIC USE

Lake Dardanelle provides a wide variety of opportunities for the public to recreate on public lands and waters. Paved access roads wind through 37 public use areas with 324 campsites and approximately 21 public boat launching ramps. There are two commercial concessionaires with 114 wet boat slips.

PRIVATE USE

At the time of writing this document, there are over 2,373 privately owned land parcels adjacent to public lands, with approximately 994 structures. There are 416 vegetation modification permits and 196 active private floating facility permits (single-owner/multiple-owner docks) with 314 boat slips. There are approximately 201 outgrants for private uses on public lands, uses such as steps/stairs, roads, tramways, water lines, and electric service lines to boat docks.

BOUNDARY LINE

The boundary line (Government Fee Take Line, GFTL) at Lake Dardanelle has been established and marked by the Corps of Engineers or private surveyors under contract with the Corps of Engineers, in accordance with standard survey techniques. The boundary line is generally not located along a specific elevation and does not form a single contour around the lake but rather was established by property descriptions. More information on the land acquisition policy for

Lake Dardanelle can be found in the *MKARNS Master Plan*. The boundary line was marked with standard brass caps. Replacement monuments may have either a brass or aluminum cap. The year that the monument was set is stamped on the cap along with the monument number. These monuments were witnessed with a steel fence post that was painted white. In open areas where the distance between corners is such that the monuments or pins are not visible, additional Point on Tangent (POT) monuments were installed. These POTs are designated with a letter on the end of the monument number. Additional boundary line posts were installed at some locations to help locate the line. These posts should not be moved or destroyed. Witness posts are used to mark the approximate boundary location but are not registered, legal survey markers. The brass or aluminum caps designate the boundary. The vandalism, removal, or destruction of survey monuments is a violation of 36 CFR.

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

MAJOR CHANGES FROM THE PREVIOUS PLAN

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

Shoreline Allocations (Zoning)

- The number of shoreline allocations has reduced to four total. Previous allocations of scenic, navigation channel, and natural no longer exist and have been combined into the protected allocation.
- Some LDAs have been adjusted to correct map errors.
- The previous Park Buffer allocation has now changed to Public Recreation Area.

Private Floating Facilities (Docks)

- New permits will only be issued to adjoining landowners who meet plan access requirements (no easements for access).
- The private property adjacent to a LDA is only eligible for a maximum of two slips regardless of the number of households owning the property.
- Two printed and one electronic set of engineer stamped plans of the entire facility, including the anchoring system, are required for new and any modifications to existing facilities. In addition to the actual structure, plans must include all amenities, including but not limited to, lockers/storage, Personal Water Craft (PWC) moorage, and solar battery storage.

- No permits will be issued within the Federal/State recommended distance of a known federally protected, threatened, or endangered species location and/or habitat.
- All new docks must be placed completely below the owner's property in an area approved by the Russellville Site Office.
- New or relocated floating facilities must be placed at a minimum water depth of three feet, measured 50 feet perpendicular from the shoreline at conservation pool. If a shorter walkway is preferred and the three feet minimum water depth is achieved, then docks can be placed closer to the shoreline.

Vegetation Modification Permits

- Mowing and/or underbrushing will not be permitted across any natural or manmade breaks in vegetation such as a road or railroad right-of-way.
- No permits will be issued within the Federal/State recommended distance of a known federally protected, threatened, or endangered species location and/or habitat.
- Maximum diameter of cut vegetation is now 2 inches at ground level instead of at breast height.
- Vegetation modification permit areas will not go any wider than the permittees' property or lot lines.
- Invasive Species removal may be authorized. See Section "Invasive Species" under Vegetation Modification heading located in this plan.
- Natural Resources and Wildlife Enhancement activities may be authorized. Information about these activities can be found in the Section "Natural Resources and Wildlife Enhancement" under the Vegetation Modification heading located in this plan.

Other Permits/Outgrants

- Outgrants will generally not be issued for new steps or stairs.
- No easements across private property for individuals will constitute access for any permit on Government property.
- No permits for private floating facilities will be issued or modified if located within 30 feet of any public utility easement right-of-way.
- New tramways, embayments, mooring buoys, and ski course permits will not be allowed.
- Ambulatory Assistance Vehicle (AAV) Letters of Permission (LOP) will generally only be issued to individuals listed on a permit.

SHORELINE ALLOCATION

GENERAL

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

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

SHORELINE ALLOCATIONS

Limited Development Areas (LDA) (4.8% of Total Shoreline)

These areas are allocated for private activities, such as vegetative modification, and/or the mooring of privately owned floating facilities following the issuance of a permit in accordance with this *Shoreline Management Plan for Lake Dardanelle* and current Federal Regulations. There are 21 miles of shoreline allocated as LDA. These areas are shown in red on the *Shoreline Management Plan for Lake Dardanelle* allocation map.

Public Recreation Areas (PRA) (9.4% of Total Shoreline)

Public Recreation Areas were established with the intent of protecting the vista of the park or public use area by prohibiting the construction of private floating facilities and/or the modification of vegetation within the zoned area. Private floating facilities are not permitted within or adjacent to developed or future parks. Individuals or groups are not permitted to make any modifications of the landform or vegetative characteristics of lands under this allocation. These areas were also designated for park operations, such as swim beaches/launch ramps, and for commercial use including marinas/gas docks. Commercial boat docks and concessions are permitted in public recreation areas with a real estate instrument. There are 40.8 miles of shoreline allocated as Public Recreation Areas. These areas are shown in green on the *Shoreline Management Plan for Lake Dardanelle* allocation map.

Protected Shoreline Areas (PSA) (84.1% of Total Shoreline)

Protected shoreline areas are those areas designated to maintain or restore aesthetic, fish and wildlife, historical, cultural, physical limitations, or other environmental values and includes areas with physical limitations such as bluffs. Other reaches of the shoreline were included under this allocation for physical protection reasons such as heavy siltation, rapid dewatering, erosion or exposure to high wind, wave, and current action. *Shoreline Use Permits* for floating facilities will not be issued in this allocation. Vegetation modification and footpaths may be permitted in these areas, provided the request area is located inside the appropriate Master Plan land classification. Prior to issuance of the *Shoreline Use Permit*, the Operations Project Manager must determine that the requested land use will not adversely impact the environment or physical characteristics of the zoned area prior to issuing the *Shoreline Use Permit*. There are 364.8 miles of shoreline allocated as Protected Shoreline Areas. These areas do not have a designated color on the *Shoreline Management Plan for Lake Dardanelle* allocation map.

Prohibited Access Areas (PAA) (1.7% of Total Shoreline)

These areas typically include hazardous zones near dams, spillways, hydroelectric power stations, and water intake structures. Public access is not allowed in these areas for health, safety, and security reasons. No *Shoreline Use Permits* will be issued in Prohibited Access Areas. Outgrants for public utilities may be considered in Prohibited Access Areas. There are

7.4 miles of shoreline allocated as Prohibited Access Areas. These areas are shown in blue on the *Shoreline Management Plan for Lake Dardanelle* allocation map.

FLOWAGE EASEMENTS

There are lands at Lake Dardanelle where the Corps of Engineers' real estate interest is limited to the right to flood the privately owned property commonly referred to as flowage easements. These easements were acquired for the operation of the Lake Dardanelle Project. In most instances, easements were acquired above the monumented Government boundary line up to elevation 341-foot with a few locations up to 365-foot elevation contour. The typical flowage easement grants the Government the perpetual right to occasionally overflow the easement area, if necessary, for the operation of the reservoir; and specifically provides that, “No structures for human habitation shall be constructed on the land [...]”; and further provides that, “No other structures of any other type [including fill materials] shall be constructed or maintained on the land except as may be approved in writing by the representative of the United States in charge of the project.” All flowage easement deeds should be checked for exact rights acquired prior to proceeding in any action on the easement.

Under *Title 36, Chapter III, Part 327, Code of Federal Regulations (CFR)*, the Corps of Engineers has authority over all waters of the reservoir and all facilities thereon, regardless of ownership of the underlying land. Easement lands and other inundated private property are therefore classified into shoreline use allocations similar to fee-owned lands. Adjoining landowners who desire to place private floating facilities on waters over flowage easement lands or inundated private property must obtain a *Shoreline Use Permit* from the Operations Project Manager. There are currently 8,673 deeded acres of land affected by flowage easements.

SHORELINE USE PERMITS

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

Ownership, construction, operation, use and maintenance of permitted/licensed facilities and/or activities are subject to all permit conditions and all applicable federal, state and local laws and regulations. Failure to abide by these applicable laws and regulations may be cause for revocation of the permit. The Russellville Site Office collects permittee and/or owner information including name, address, phone number, boat registration information and email to keep on file for permit purposes. This information will not be released to the general public except in accordance with the Freedom of Information Act (FOIA) and the Privacy Act of 1974.

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

A schedule of *Shoreline Use Permit* fees in place at the time of the publication of this document can be found in 36 CFR 327.31.

GENERAL REQUIREMENTS

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

All *Shoreline Use Permits* are issued and enforced in accordance with the provisions of *Title 36, Chapter III, Part 327, CFR*. The version of this CFR in place at the time of writing of this document is attached as Exhibit A. Failure to obtain the proper permits or noncompliance with any of the terms and conditions, general or special, may result in termination or revocation of the permit or other enforcement action. Prior to a site inspection by a USACE Park Ranger, the landowner must physically mark the corners of their private property along the common boundary.

The shoreline use program is intended only for private shoreline uses. Commercial development for financial gain will not be authorized or allowed. Private floating facilities cannot be developed or operated as a commercial enterprise. The use of a permitted private floating facility shall be limited to the mooring of the slip owner's vessel or watercraft and the storage of his/her gear essential to the operation of such vessel or watercraft in an enclosed locker. Facilities granted under this permit will not be leased, rented, sub-let or provided to others by any means of engaging in commercial activity(s) by the permittee or his/her agent for monetary gain. This does not preclude the sale of total ownership of a private dock or slip(s) in a multiple-owner dock. Commercial use of a boat slip in a private and/or multiple-owner dock, to include but not limited to rental of a slip or use of a slip in the operation of a business is prohibited.

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

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

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

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

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

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

Posting of Permit Number. One permit plate will be provided by the Russellville Site Office for posting on a private floating facility. This sign will be posted on the floating facility covered by the permit in accordance with instructions provided by the Operations Project Manager for new and re-issue permits.

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

Public's Right of Access and Use

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

PRIVATE FLOATING FACILITY PERMITS (DOCKS)

Shoreline Use Permits are required for all private floating facilities. Private floating facilities as discussed in this plan include single-owner boat docks and multiple-owner boat docks. Floating facilities are private structures, therefore the owners of the dock may restrict use of the facility. All new permits for private floating facilities and any modifications to existing facilities must meet the requirements in this *Shoreline Management Plan for Lake Dardanelle*. Vessels moored in a private floating facility must be registered solely to the owner of the dock/slip(s).

Docks are approved for the mooring of the owner's vessel and the storage of gear essential to the vessel's operation. All boats must be moored inside a slip, with the exception of personal

watercraft storage as discussed in this plan. Side-ties are not authorized.(exception of pier-style docks)

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

- (1) Ownership of a single owner dock (up to 2 slips including pier docks).
- (2) Ownership of 1 or 2 slips in a multiple-owner dock.
- (3) A Real Estate outgrant for an embayment.

Valid state boat registration of the permittee will be necessary to verify new slip needs.

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

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

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

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

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

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

All boat dock owners who are not permanent residents of the area must designate a local party who will be responsible for surveillance over their dock on a 24-hour basis.

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

SINGLE-OWNER DOCKS

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

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

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

MULTIPLE-OWNER DOCKS

New permits may be issued for multiple-owner docks within a LDA, subject to the restrictions listed herein. These docks may be 2 to 20 slips.

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

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

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

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

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

APPLICATION

NEW OR MODIFICATION TO EXISTING FACILITY

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

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

- *Shoreline Use Application (new permits only)*. For dock permits issued after the implementation of this *Shoreline Management Plan for Lake Dardanelle*, the application must be in the name of the individual dock owner.
- Two printed sets and one electronic set of engineer reviewed and stamped plans of the entire facility. In addition to the actual structure, plans must include all amenities, including but not limited to, lockers/storage, PWC moorage, and solar battery storage.
- *Dock Owner Information Sheet* with the name, address, phone number, and boat registration for all slips.
- Copy of current boat registration for each new slip. This requirement is necessary to preclude commercial activity on the floating facility.
- When replacing an existing dock, permittee must submit either a letter stating the old dock will be dismantled and removed from public lands and waters within 30-days of the installation of the new dock, or Bills of Sale to new owners who have an approved location.
- Provide proof of land ownership of common boundary line to public land within LDA and within 200 feet of the dock walkway at 338-foot elevation contour.
- If the adjoining land is jointly-owned (i.e. Trust, LLC, Non-Profit, etc.), the dock owners must provide documentation indicating their interest in the jointly-owned property.

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

PERMIT RENEWALS

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

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

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

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

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

DOCK ACCESS

ADJOINING LANDOWNER REQUIREMENT

Upon approval of this *Shoreline Management Plan for Lake Dardanelle*, new permits associated with new dock construction will only be issued if all owners in the dock are adjoining landowners to Government property at the dock site. Additionally, any dock relocated to a currently unoccupied site will only be approved if all owners at the new dock site are adjoining landowners to Government property. Any owners of the slip additions to these (existing) docks must also be adjoining landowners. The dock must be located below the owner’s property. Existing access and easements to existing docks will be honored.

200 FOOT REQUIREMENT

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

PARKING

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

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

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

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

When considering dock modifications, all dock access and other requirements in this *Shoreline Management Plan for Lake Dardanelle* must be met. Reference Facility Construction Requirements section of this plan for further details.

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

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

Existing docks utilizing an easement, common-property, or county road access for access may only add slips if the requestor owns adjacent property within 200 feet.

PERMIT RENEWALS AND CHANGE OF OWNERSHIP OF EXISTING FACILITIES

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

documentation must be provided within 14 days.

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

VEGETATION MODIFICATION FOR DOCK PERMITS

A maximum six-foot wide path can be maintained for access to the dock. Reference the Vegetation Modification, Foot Paths section in this plan for additional requirements. A maximum three-foot wide area around the anchor pins can be maintained. Submerged trees or aquatic vegetation located in proximity to the dock structure at its approved site, at the 338-foot elevation contour, may be removed with approval.

LOCATION AND SPACING REQUIREMENTS

Location, spacing, density, and depth will be determined at the 338-foot elevation contour.

LOCATION

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

MAXIMUM DENSITY

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

MAXIMUM DENSITY AREA FACILITY MODIFICATION

When a LDA reaches maximum density, notice should be given to the public and facility owners in that area that no additional facilities (docks) or additions (slips) that increase the overall width of the facility along the shoreline will be allowed. In those cases where current density of development exceeds the density level established in the *Shoreline Management Plan for Lake Dardanelle*, the density will be reduced to the prescribed level through attrition. At the time of writing this document, 7 of the 71 existing LDAs have reached the maximum density. These areas are identified and stored in a GIS format. This map is readily available for viewing at the Russellville Site Office. The areas that had reached maximum density at the time of writing this document were presented to the public during the *Shoreline Management Plan for Lake Dardanelle* draft and final presentation public workshops held in 2026. The maximum density

designation is not a shoreline allocation, it is a fluid status that changes as docks are added or removed from the LDA.

COVE WIDTH

No facility will extend out from the shoreline more than one-third the total width of any particular cove, as determined by the Corps of Engineers, at 338-foot elevation contour.

At a minimum, the two-thirds of the cove or channel must be left open for navigation. At no time may the length of any dock including any moored vessel extend into this protected navigation channel at 338-foot elevation contour. USACE policy is to regain this navigable space when considering replacement facilities under existing permits. All new facilities will be placed or replaced in such a way as to have the least impact on navigation.

DOCK SPACING

Additions or modifications to existing or new boat docks will be spaced a minimum of 100 feet apart (all sides) at 338-foot elevation contour and including from launch ramps. This distance is measured from closest point to closest point at 338-foot elevation contour.

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

WATER DEPTH AND SLOPE

Site inspections cannot be conducted if the lake elevation is unreasonably high or low, thereby limiting the ability of USACE Park Rangers to make a valid evaluation of cove width, water depth, and distances between docks. New or relocated floating facilities must be placed at a minimum water depth of three feet, measured 50 feet perpendicular from the shoreline at conservation pool. If a shorter walkway is preferred and the three feet minimum water depth is achieved, then docks can be placed closer to the shoreline.

A site that presents obvious access limitations, such as a bluff or severe slope, and/or when shoreline conditions prevent proper dock maintenance (adjustment with fluctuating lake levels) by the applicant, the site may be denied for a boat dock at the discretion of the Operations Project Manager.

DOCK CONFIGURATION

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

moored perpendicular or parallel to the shoreline. Safety and navigation concerns will be utilized to determine placement configuration.

NON-CONFORMING AND GRANDFATHERED FACILITIES

NON-CONFORMING FACILITIES

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

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

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

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

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

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

FACILITY CONSTRUCTION REQUIREMENTS

Requests for new facilities or modification of existing facilities must include plans signed and stamped by a professional engineer licensed in the State of Arkansas. Alterations to the original approved plan may not be made without prior approval, except as noted below. All construction must be in compliance with 36 CFR 327.30, attached as Exhibit A, and with all other Federal, State, and local laws and regulations. All electrical facilities must be in compliance with the National Electric Code. Electrical plans must be reviewed and stamped by a professional engineer licensed in the State of Arkansas or signed by a master electrician

licensed in the State of Arkansas. Listed below are additional requirements; however, if there is any conflict between this *Shoreline Management Plan for Lake Dardanelle* and the above, the more stringent rule will apply.

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

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

<u>Component</u>	<u>Minimum Size (feet)</u>	<u>Maximum Size (feet)</u>
Main Walkway-Header (width)	3	6
Other Walkways-Finger between slips (width)	3	6
Slip (width)	10	14
Slip (length)	18	30
Access Ramp-Walkway (width)	3	6
Access Ramp-Walkway (length)	amount necessary to obtain adequate water depth	50

Slips wider than 14 feet will be considered 2 slips.

ACCESS RAMP (WALKWAY)

All floating facilities must have an access ramp that connects the facility to the shoreline. Each floating access ramp must have enough flotation to provide a stable walking platform or be one solid piece connecting the shoreline to the floating facility without touching water. Access ramps cannot be supported by fixed piers or posts. Extensions shall not be added to the walkway without approval of the Operations Project Manager. Only one access ramp (walkway) to a dock will be authorized.

DESIGN LOADS (MINIMUM)

Deck loads and walkway loads (substructure) 30 pounds per square foot (psf).

- (1) Wind loads (sub and superstructure) 20 psf.

- (2) Roof loads (superstructure) 10 psf.
- (3) Bracing – All columns and/or studs must be adequately braced to resist wind loads. Bracing shall be designed and constructed to counteract design loads, while allowing sufficient flexibility so wave action will not damage the structural and/or roof system.

FLOTATION

Must meet 36 CFR 327.30 on all new docks and/or on repairs to existing docks.

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

ROOFS

Roofs may be gabled or single-pitched. Roofs must be securely fastened to the superstructure to resist wind uplift. Minimum thickness: steel 28 gauge, aluminum 0.032 inches. Roofs must be black, gray, tan, green, or brown (in natural tones). If additions are made, the roof must match the existing roof (color and height). If it cannot match the existing, then the entire roof must be replaced, or the addition will not be approved. Pier-style docks cannot have roofs.

Upper decks or platforms are prohibited on floating facilities. No recreational features are allowed on rooftops.

ANCHORAGE

An anchorage system shall provide secure mooring of the private floating facility. Anchorage system utilizing dead man or ground stakes shall be installed flush with the existing grade.

Anchor cables or other securing devices shall be maintained in good repair and located to minimize obstruction hazards to pedestrians, boaters, and vehicular traffic. Anchor cables will not be attached to trees, stumps, power poles, guardrail posts, etc. Anchor pins and cables should be placed to prevent physical damage to trees. Minimum requirements for anchor cables: 3/8 inch galvanized or stainless steel cable or larger.

CONSTRUCTION MATERIALS

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

HANDRAILS

- (1) Handrails will be provided on at least one side of the walkway leading to the dock and all perimeter areas of the dock. Gates or safety chains may be used in areas on the perimeter of the dock where frequent loading/unloading takes place. Chains shall not span more than 4 feet.
- (2) 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 and maintained in a state of good repair.
- (4) Handrails must withstand a load of at least 200 pounds applied in any direction at any point with minimum deflection.

STORAGE LOCKERS

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

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

PERSONAL WATERCRAFT (PWC) MOORING

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

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

SWIM DECKS

Swim decks are not allowed on Lake Dardanelle.

SLIP FILL-INS/DECK OVERS

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

BOAT LIFT DECKING

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

PERMIT SIGN

Permit holders are required to display one permit sign with the permit number on the dock. One sign for the dock will be provided by the Russellville Site Office and will be sent to the applicant upon permit issuance. The sign must be securely attached to and displayed on the lake side of the dock.

ELECTRIC SERVICE

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

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

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

DOCK LIGHTING

All lighting must be included in the approved electrical plan.

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

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

STRUCTURE ENCLOSURE

Docks must be constructed with open sides. Enclosure of the superstructure will not be allowed.

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

AMENITIES

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

PIER-STYLE DOCKS

A pier-style dock is defined as a rectangular or "T" shaped dock structure extending from the shoreline with no enclosed or covered areas. The minimum length of a pier-style dock shall be 8 feet, and the maximum length shall be 16 feet. The minimum width shall be 4 feet, and the maximum width shall be 6 feet. Roofs, canopies, or other overhead structures are prohibited. Construction and walkways associated with pier-style docks shall conform with the standards applicable to docks with slips as specified in this Facility Construction Requirements section.

VEGETATION MODIFICATION PERMITS

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

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

APPLICATION

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

NEW OR CHANGE OF OWNERSHIP PERMIT REQUESTS

All persons applying for a permit allowing vegetation modification in a new area or persons

requesting a change of ownership of an existing *Shoreline Use Permit* must submit a completed *Application for Shoreline Use Permit* along with the required fee and proof of ownership of property adjoining Government property.

RENEWAL

Applications for “renewal” of expiring permits require the applicant to submit a signed *Application for Shoreline Use Permit* and payment for the permit fee. The permit will then be reissued with a new expiration date to the existing permittee providing there are no unauthorized activities. All permit conditions in place at the time of the new permit issuance will apply to the renewed permit.

VEGETATION MODIFICATION

MOWING AND UNDERBRUSHING

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

Mowing and underbrushing will be limited to the area of Government property between the adjoining private property lot lines, as though the lot lines were extended onto Government property from the common private/Government property line towards the shoreline. The maximum allowed limit of a mowing/underbrushing permit is 200 feet. This will be measured from the foundation of a habitable structure. At no time should mowing or underbrushing occur in an area that exceeds 200 feet from a habitable structure. Campsites, decks, porches, and garages are not considered part of the habitable structure for the purposes of obtaining a mowing and/or underbrushing permit. Within specified areas of the permitted vegetation modification area, only turf-tired mowers, string trimmers, and hand tools may be used. Chemicals and fertilizer cannot be applied on Government property without approval. Mowing and/or underbrushing will not be permitted across any natural or manmade break in vegetation such as a road or railroad tracks. The actual limits of vegetation modification in each case will be determined by the Operations Project Manager and defined in the *Shoreline Use Permit*. Trees and shrubs up to two (2) inches in diameter (measured at ground level) may be removed, excluding *Cornus* (Dogwood tree), *Cercis* (Redbud tree), *Quercus* (oak trees), and *Carya* (hickory trees). Trimming, limbing or topping of trees is prohibited.

INVASIVE SPECIES

The removal of invasive species from Government lands is encouraged; however, a *Shoreline Use Permit* for the activity is required. There will be no charge for a permit for the removal of invasive species from Government lands, provided no other vegetation modification is involved in the request. When other vegetation modification is requested in conjunction with the invasive species removal, the normal fee payment will be required. For the purpose of this *Shoreline Management Plan for Lake Dardanelle*, invasive species is defined as those species of plants identified by the State of Arkansas as “invasive species” in an agency publication. An application

for removal of an invasive species should include photos of the area, identification of the invasive species, a copy of the agency publication identifying the plant as an invasive species, and the conceptual plan for removal of the species. Use of chemicals can be approved for this purpose; however, a use plan must be provided with the application. These permits are not subject to the mowing/underbrushing area distance limitations, nor are they subject to the two-inch diameter at ground level size limitation for tree removal. For example, at the time of the writing of this *Shoreline Management Plan for Lake Dardanelle*, the State of Arkansas listed the Bradford Pear Tree as an invasive species; therefore, any *Pyrus calleryana* (Bradford Pear tree) existing on USACE property could be removed under this type of permit regardless of the tree's location in relation to a habitable structure or the tree's size once a *Shoreline Use Permit* has been issued.

FOOT PATHS

A foot path may be permitted to the water's edge. There is no requirement for a habitable structure on the adjacent private property for the issuance of this permit. The path cannot exceed six feet in width and must be meandering to prevent erosion. The path route will be the shortest meandering distance between private property and the lake, keeping in mind possible safety issues. The only materials that can be used are natural colored wood mulch or wood bark. No stairs or steps are permitted on the path. Erosion control methods for the path may be considered and approved on a case-by-case basis. When a permitted path to the shoreline creates an erosion problem, the permit may be revoked to allow the terrain to be restored. Digging, placement of fill material, or construction of bridges will not be allowed. Within specified areas of the permitted foot path request, only turf-tired mowers, string trimmers, and hand tools may be used. Trees may be limbed along the path to keep the immediate area of the path clear for walking (maximum six feet wide and seven feet tall).

New foot path permits will not be issued in areas classified as Wildlife Management, Environmentally Sensitive, Project Operations, or High Density in the most current *MKARNS Master Plan*. Existing paths in these areas will be allowed to remain in their current condition but will not be issued again upon change in ownership.

DEAD TREES AND LIMB HAZARDS

Cutting of dead trees without permission is prohibited. Dead trees which have fallen to the ground within a vegetation modification permit area may be cut up and removed from the permitted area but must remain on Government property for wildlife habitat. Trees which have fallen to the ground outside a vegetation modification permit area must be left, unless it is impeding a permitted path.

Standing dead trees require a separate Letter of Permission (LOP) issued by USACE. Dead, standing trees that present a potential hazard to a permanent structure or pose a safety threat to fall on a designated foot path may be approved for felling. Dead, standing trees within a vegetative modification permit area may be allowed to be cut and removed from the area. With approval, dead or live limbs may be cut if causing a hazard to a structure or obstructing the designated foot path.

OTHER SHORELINE USE PERMITS

SKI COURSES

No new ski course permits will be issued on Lake Dardanelle.

EROSION CONTROL

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

AMBULATORY ASSISTANCE VEHICLE (AAV) LOP

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

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

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

- The AAV LOP is granted to the applicant only;
- Only golf carts, ATVs, or UTVs are allowed;
- The AAV LOP is for the sole purpose of transporting the LOP holder;
- The vehicle will only be driven on a designated permitted path;
- The access path will comply with the conditions in the *Shoreline Management Plan for Lake Dardanelle* for a pedestrian foot path;
- The path will not exceed six (6) feet in width and must follow a meandering route;
- Digging, placement of fill material, or constructions of bridges will not be allowed;
- Applicants must own land adjoining public land, be listed on a current *Shoreline Use Permit*, or reside in the household of the permittee;
- The AAV LOP does not give the Applicant the right to operate the AAV in violation of other federal, state or local laws including traffic regulations or ordinances. Applicants assume the risks associated with of operation of their AAV in violation of all applicable

laws. Applicants further assume the risks associated with all unsafe operation of their AAV including operation on public roads as well as federal property;

- Applicant must have a copy of their AAV LOP readily available to provide proof of permission and/or attach it to the vehicle so it can be easily seen if away from the vehicle;
- The AAV LOP is granted for the same period of time as the *Shoreline Use Permit* and may be terminated pending future changes in policies;
- LOPs are non-transferable and subject to cancellation because of misuse or environmental damages.

UNAUTHORIZED ACTIVITIES AND VIOLATIONS

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

PLACEMENT OF PERSONAL PROPERTY ON PUBLIC LANDS

Personal property is not to be placed or stored on public lands. This includes, but is not limited to items such as sheds, furniture, outdoor decor, swing sets, bird baths, firewood, boats, lights and lighting, hammocks, fire pits, fencing, trailers, rope swings, etc. Slides, water trampolines, swim platforms, tires, courtesy type docks, or other floating water toys are not allowed to be left on Government property.

SHORELINE TIE-UP OF VESSELS

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

BURNING

In general, any burning must be performed on private property and in accordance with applicable state and local laws.

ENFORCEMENT STANDARDS

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

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

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

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

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

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

APPEALS PROCESS

Shoreline use decisions may be appealed based on evidence of an administrative error to supervisory levels above that of the original decision. The appeal process will be afforded to individuals petitioning for shoreline use. Appeals may be forwarded to the Chief, Operations Division for a final decision. To request such an administrative appeal, an individual must submit a written request for action within thirty (30) days of the decision. The request should be accompanied by appropriate supporting documentation (letter, maps, diagrams, copies of correspondence, doctor's letters, etc.) and mailed to Commander, Little Rock District, U.S. Army Corps of Engineers, ATTN: Chief, Operations Division, P.O. Box 867, Little Rock, Arkansas 72203-0867.

FACILITIES REQUIRING AN OUTGRANT

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

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

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

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

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

APPLICATION

NEW

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

CHANGE OF OWNERSHIP OF EXISTING STRUCTURE

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

RENEWAL

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

ELECTRIC LINES

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

Real Estate outgrants will not be issued for new electric service to private floating facilities. Electric service for new floating facilities and those existing facilities without service must be supplied from an alternative power source (i.e. solar). This service must be installed and maintained to the standards established by the current NEC.

Existing licensed electric lines providing service to private floating facilities or to provide shoreline lighting for security will be allowed to remain. All electric service must be maintained in a safe working condition and meet Corps of Engineers standards (including license/easement and *Shoreline Management Plan for Lake Dardanelle* conditions), meet all local and state codes, and meet all requirements of the NEC. If a dock with existing land based electric service is relocated or moved, the existing electric service must be removed and the area restored. In these instances, new electric service must be provided by an alternative power source.

ROADS, PARKING AREAS, AND BOAT LAUNCHING RAMPS

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

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

STAIRS/STEPS

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

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

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

STEPS

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

STAIRS

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

SPECIAL TOPICS

MARINE SANITATION DEVICES AND HOUSEBOATS

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

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

All vessels in private docks must be 28 feet or less and must not have a MSD. All vessels over 28 feet, vessels with MSDs, houseboats and sailboats shall be moored at commercial marina concessionaire locations. All vessels shall be moored in stalls and shall not be tied to the outside of a dock.

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

LIMITED MOTEL/RESORT/CAMPGROUND LEASES

Floating facilities and vegetation modification activities in connection with limited motel/resort/campground leases are subject to the shoreline allocations presented in this plan. Shoreline use permits are not issued for these facilities. These docks are part of a commercial operation and are authorized by a Real Estate Instrument. There are currently no limited motel/resort/campground leases on Lake Dardanelle.

NO WAKE AND OTHER REGULATORY BUOYS

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

CHANGES AND REVISIONS

Natural Resources Management personnel will continually work to protect and manage shoreline uses at Lake Dardanelle in a manner to promote the safe and healthful use by the public while maintaining environmental safeguards to ensure a quality resource for use by the public. When needed, the *Shoreline Management Plan for Lake Dardanelle* will be revised. At a minimum, the *Shoreline Management Plan for Lake Dardanelle* will be reviewed every five years, at which time minor changes in the *Shoreline Management Plan for Lake Dardanelle* may be approved by the District Engineer. When major revisions to the *Shoreline Management Plan for Lake Dardanelle* are needed, including any changes in the Shoreline Allocations, the plan will be formally updated through the public participation process, pending the availability of funds. Cumulative environmental impacts of permit actions and the possibility of preparing or revising project National Environmental Policy Act (NEPA) documentation will be considered.

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

CONTACT INFORMATION

Lake Dardanelle USACE personnel are available to address requests or questions concerning the *Shoreline Management Plan for Lake Dardanelle* and its policies. The Russellville Site Office is located at 1598 Lock and Dam Road in Russellville, Arkansas, and may be contacted via phone at 501-340-1762 or via email at ceswl-rv@usace.army.mil.

DRAFT

EXHIBIT A: TITLE 36, PART 327

Title 36: Parks, Forests, and Public Property

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

1	PART 327—RULES AND	61	development projects.	119	this part 327 are not inconsistent with
2	REGULATIONS	62	[65 FR 6898, Feb. 11, 2000]	120	such treaties and Federal laws and
3	GOVERNING PUBLIC USE	63	§ 327.1 Policy.	121	regulations.
4	OF WATER RESOURCE	64	(a) It is the policy of the Secretary of	122	(g) Any violation of any section of
5	DEVELOPMENT	65	the Army, acting through the Chief of	123	this part 327 shall constitute a separate
6	PROJECTS ADMINISTERED	66	Engineers, to manage the natural, cultural,	124	violation for each calendar day in
7	BY THE CHIEF OF ENGINEERS	67	and developed resources of each	125	which it occurs.
8	Sec.	68	project in the public interest, providing	126	(h) For the purposes of this part 327,
9	327.0 Applicability.	69	the public with safe and healthful	127	the operator of any vehicle, vessel or
10	327.1 Policy.	70	recreational	128	aircraft as described in this part, shall
11	327.2 Vehicles.	71	opportunities while protecting	129	be presumed to be responsible for its
12	327.3 Vessels.	72	and enhancing these resources.	130	use on project property. In the event
13	327.4 Aircraft.	73	(b) Unless otherwise indicated in this	131	where an operator cannot be determined,
14	327.5 Swimming.	74	part, the term “District Commander”	132	the owner of the vehicle, vessel,
15	327.6 Picnicking.	75	shall include the authorized representative	133	or aircraft, whether attended or unattended,
16	327.7 Camping.	76	of the District Commander.	134	will be presumed responsible.
17	327.8 Hunting, fishing, and trapping.	77	(c) The term “project” or “water resource	135	Unless proven otherwise, such presumption
18	327.9 Sanitation.	78	development project” refers to	136	will be sufficient to issue a
19	327.10 Fires.	79	the water areas of any water resources	137	citation for the violation of regulations
20	327.11 Control of animals.	80	development project administered by	138	applicable to the use of such vehicle,
21	327.12 Restrictions.	81	the Chief of Engineers, without regard	139	vessel or aircraft as provided for in
22	327.13 Explosives, firearms, other weapons	82	to ownership of underlying land, to all	140	§ 327.25.
23	and fireworks.	83	lands owned in fee by the Federal	141	(i) For the purposes of this part 327,
24	327.14 Public property.	84	Government	142	the registered user of a campsite, picnic
25	327.15 Abandonment and impoundment of	85	and to all facilities therein or	143	area, or other facility shall be presumed
26	personal property.	86	thereon of any such water resources	144	to be responsible for its use. Unless
27	327.16 Lost and found articles.	87	development	145	proven otherwise, such presumption
28	327.17 Advertisement.	88	project.	146	will be sufficient to issue a citation
29	327.18 Commercial activities.	89	(d) All water resources development	147	for the violation of regulations applicable
30	327.19 Permits.	90	projects open for public use shall be	148	to the use of such facilities as
31	327.20 Unauthorized structures.	91	available to the public without regard	149	provided for in § 327.25.
32	327.21 Special events.	92	to sex, race, color, creed, age, nationality	150	[65 FR 6898, Feb. 11, 2000]
33	327.22 Unauthorized occupation.	93	or place of origin. No lessee, licensee,	151	§ 327.2 Vehicles.
34	327.23 Recreation use fees.	94	or concessionaire providing a	152	(a) This section pertains to all vehicles,
35	327.24 Interference with Government employe	95	service to the public shall discriminate	153	including, but not limited to,
36	327.25 Violations of rules and regulations.	96	against any person because of sex, race,	154	automobiles, trucks, motorcycles,
37	327.26 State and local laws.	97	creed, color, age, nationality or place	155	mini-bikes, snowmobiles, dune buggies,
38	327.27–327.29 [Reserved]	98	of origin in the conduct of the operation	156	all-terrain vehicles, and trailers, campers,
39	327.30 Shoreline Management on Civil	99	under the lease, license or concession	157	bicycles, or any other such equipment.
40	Works Projects.	100	contract.	158	(b) Vehicles shall not be parked in
41	327.31 Shoreline management fee schedule.	101	(e) In addition to the regulations in	159	violation of posted restrictions and
42	AUTHORITY: 16 U.S.C. 460d; 16 U.S.C. 4601–6a;	102	this part 327, all applicable Federal,	160	regulations, or in such a manner as to
43	Sec. 210, Pub. L. 90–483, 82 Stat. 746.; 33 U.S.C.	103	state and local laws and regulations remain	161	obstruct or impede normal or emergency
44	1, 28 Stat. 362.	104	in full force and effect on project	162	traffic movement or the parking
45	SOURCE: 50 FR 35556, Sept. 3, 1985, unless	105	lands or waters which are outgranted	163	of other vehicles, create a safety hazard,
46	otherwise noted.	106	by the District Commander by lease, license,	164	or endanger any person, property
47	§ 327.0 Applicability.	107	or other written agreement.	165	or environmental feature. Vehicles so
48	The regulations covered in this part	108	(f) The regulations in this part 327	166	parked are subject to removal and
49	327 shall be applicable to water resources	109	shall be deemed to apply to those lands	167	impoundment
50	development projects, completed	110	and waters which are subject to treaties	168	at the owner’s expense.
51	or under construction, administered	111	and Federal laws and regulations	169	(c) The operation and/or parking of a
52	by the Chief of Engineers, and to	112	concerning the rights of Indian Nations	170	vehicle off authorized roadways is
53	those portions of jointly administered	113	and which lands and waters are	171	prohibited
54	water resources development projects	114	incorporated,	172	except at locations and times
55	which are under the administrative	115	in whole or in part, within	173	designated by the District Commander.
56	jurisdiction	116	water resources development projects	174	Taking any vehicle through, around or
57	of the Chief of Engineers. All	117	administered by the Chief of Engineers,	175	beyond a restrictive sign, recognizable
58	other Federal, state and local laws and	118	to the extent that the regulations in	176	barricade, fence, or traffic control barrier
59	regulations remain in full force and effect				
60	where applicable to those water resources				

1	is prohibited.	69	waters, shall have safety equipment,	137	and at locations permitted by the District
2	(d) Vehicles shall be operated in accordance	70	including personal flotation devices, on	138	Commander. Seaplanes may be
3	with posted restrictions and	71	board in compliance with U.S. Coast	139	temporarily moored on project waters
4	regulations.	72	flight devices or any other such equipment.	140	and lands, except in areas prohibited
5	(e) No person shall operate any vehicle	73	(b) The operation of aircraft on	141	by the District Commander, for periods
6	in a careless, negligent or reckless	74	project lands at locations other than	142	less than 24 hours providing:
7	manner so as to endanger any person,	75	those designated by the District	143	(i) The mooring is safe, secure, and
8	property or environmental feature.	76	Commander	144	accomplished so as not to damage the
9	(f) At designated recreation areas, vehicles	77	is prohibited. This provision	145	rights of the Government or members
10	shall be used only to enter or	78	shall not be applicable to aircraft engaged	146	of the public, and
11	leave the area or individual sites or facilities	79	on official business of Federal,	147	(ii) The operator remains in the vicinity
12	unless otherwise posted.	80	state or local governments or law	148	of the seaplane and reasonably
13	(g) Except as authorized by the District	81	enforcement	149	available to relocate the seaplane if
14	Commander, no person shall operate	82	agencies, aircraft used in	150	necessary.
15	any motorized vehicle without a	83	emergency rescue in accordance with	151	(5) Commercial operation of seaplanes
16	proper and effective exhaust muffler as	84	the directions of the District Commander	152	from project waters is prohibited
17	defined by state and local laws, or with	85	or aircraft forced to land due	153	without written approval of the
18	an exhaust muffler cutout open, or in	86	to circumstances beyond the control of	154	District Commander following consultation
19	any other manner which renders the	87	the operator.	155	with and necessary clearance
20	exhaust muffler ineffective in muffling	88	(c) No person shall operate any aircraft	156	from the Federal Aviation Administration
21	the sound of engine exhaust.	89	while on or above project waters	157	(FAA) and other appropriate public
22	(h) Vehicles shall be operated in	90	or project lands in a careless, negligent	158	authorities and affected interests.
23	accordance	91	or reckless manner so as to endanger	159	(6) Seaplanes may not be operated at
24	with applicable Federal, state	92	any person, property or environmental	160	Corps projects between sunset and sunrise
25	and local laws, which shall be regulated	93	feature.	161	unless approved by the District
26	by authorized enforcement officials	94	(d) Nothing in this section bestows	162	Commander.
27	as prescribed in § 327.26.	95	authority to deviate from rules and	163	[65 FR 6899, Feb. 11, 2000]
28	[65 FR 6899, Feb. 11, 2000]	96	regulations or prescribed standards of	164	§ 327.5 Swimming.
29	§ 327.3 Vessels.	97	the appropriate State Aeronautical	165	(a) Swimming, wading, snorkeling or
30	(a) This section pertains to all vessels	98	Agency, or the Federal Aviation	166	scuba diving at one's own risk is permitted,
31	or watercraft, including, but not	99	Administration,	167	except at launching sites, designated
32	limited to, powerboats, cruisers,	100	including, but not limited	168	mooring points and public
33	houseboats,	101	to, regulations and standards concerning	169	docks, or other areas so designated by
34	sailboats, rowboats, canoes,	102	pilot certifications or ratings,	170	the District Commander.
35	kayaks, personal watercraft, and any	103	and airspace requirements.	171	(b) An international diver down, or
36	other such equipment capable of navigation	104	(e) Except in extreme emergencies	172	inland diving flag must be displayed
37	on water or ice, whether in motion	105	threatening human life or serious property	173	during underwater activities.
38	or at rest.	106	loss, the air delivery or retrieval	174	(c) Diving, jumping or swinging from
39	(b) The placement and/or operation of	107	of any person, material or equipment	175	trees, bridges or other structures which
40	any vessel or watercraft for a fee or	108	by parachute, balloon, helicopter or	176	cross or are adjacent to project waters
41	profit upon project waters or lands is	109	other means onto or from project lands	177	is prohibited.
42	prohibited except as authorized by permit	110	or waters without written permission	178	[65 FR 6900, Feb. 11, 2000]
43	lease, license, or concession contract	111	of the District Commander is prohibited.	179	§ 327.6 Picnicking.
44	with the Department of the	112	(f) In addition to the provisions in	180	Picnicking and related day-use activities
45	Army. This paragraph shall not apply	113	paragraphs (a) through (e) of this section	181	are permitted, except in those
46	to the operation of commercial tows or	114	seaplanes are subject to the following	182	areas where prohibited by the District
47	passenger carrying vessels not based at	115	restrictions:	183	Commander.
48	a Corps project which utilize project	116	(1) Such use is limited to aircraft utilized	184	[65 FR 6900, Feb. 11, 2000]
49	waters as a link in continuous transit	117	for water landings and takeoff, in	185	§ 327.7 Camping.
50	over navigable waters of the United	118	this part called seaplanes, at the risk	186	(a) Camping is permitted only at
51	States.	119	of owner, operator and passenger(s).	187	sites and/or areas designated by the
52	(c) Vessels or other watercraft may	120	(2) Seaplane operations contrary to	188	District Commander.
53	be operated on the project waters, except	121	the prohibitions or restrictions established	189	(b) Camping at one or more campsites
54	in prohibited or restricted areas,	122	by the District Commander (pursuant	190	at any one water resource project
55	in accordance with posted regulations	123	to part 328 of this title) are prohibited.	191	for a period longer than 14 days during
56	and restrictions, including buoys. All	124	The responsibility to ascertain	192	any 30-consecutive-day period is prohibited
57	vessels or watercraft so required by	125	whether seaplane operations are prohibited	193	without the written permission
58	applicable	126	or restricted is incumbent upon	194	of the District Commander.
59	Federal, state and local laws	127	the person(s) contemplating the use of,	195	(c) The unauthorized placement of
60	shall display an appropriate registration	128	or using, such waters.	196	camping equipment or other items on a
61	on board whenever the vessel is on	129	(3) All operations of seaplanes while	197	campsite and/or personal appearance at
62	project waters.	130	upon project waters shall be in accordance	198	a campsite without daily occupancy for
63	(d) No person shall operate any vessel	131	with U.S. Coast Guard navigation	199	the purpose of reserving that campsite
64	or other watercraft in a careless, negligent	132	rules for powerboats or vessels and	200	for future occupancy is prohibited.
65	or reckless manner so as to endanger	133	§ 327.3.	201	(d) The digging or leveling of any
66	any person, property, or environmental	134	(4) Seaplanes on project waters and	202	ground or the construction of any
67	feature.	135	lands in excess of 24 hours shall be secured	203	structure without written permission
68	(e) All vessels, when on project	136	moored at mooring facilities	204	of the District Commander is prohibited.

1	(e) Occupying or placement of any	69	sites upon departure.	137	camping, picnicking, swimming or
2	camping equipment at a campsite	70	(e) The discharge or placing of sewage,	138	other recreation areas or on trails except
3	which is posted or otherwise marked or	71	galley waste, garbage, refuse, or	139	in areas designated by the District
4	indicated as "reserved" without an	72	pollutants into the project waters from	140	Commander.
5	authorized	73	any vessel or watercraft is prohibited.	141	(d) Ranging, grazing, watering or allowing
6	reservation for that site is	74	[65 FR 6900, Feb. 11, 2000]	142	livestock on project lands and
7	prohibited.	75	§ 327.10 Fires.	143	waters is prohibited except when
8	[65 FR 6900, Feb. 11, 2000]	76	(a) Gasoline and other fuels, except	144	authorized
9	§ 327.8 Hunting, fishing, and trapping	77	that which is contained in storage	145	by lease, license or other written
10	(a) Hunting is permitted except in	78	tanks of vehicles, vessels, camping	146	agreement with the District Commander.
11	areas and during periods where prohibited	79	equipment, or hand portable containers	147	(e) Unauthorized livestock are subject
12	by the District Commander.	80	designed for such purpose, shall not be	148	to impoundment and removal in
13	(b) Trapping is permitted except in	81	carried onto or stored on the project	149	accordance with Federal, state and
14	areas and during periods where prohibited	82	without written permission of the District	150	local laws.
15	by the District Commander.	83	Commander.	151	(f) Any animal impounded under the
16	(c) Fishing is permitted except in	84	(b) Fires shall be confined to those	152	provisions of this section may be confined
17	swimming areas, on boat ramps or	85	areas designated by the District	153	at a location designated by the
18	other areas designated by the District	86	Commander,	154	District Commander, who may assess a
19	Commander.	87	and shall be contained in fireplaces,	155	reasonable impoundment fee. This fee
20	(d) Additional restrictions pertaining	88	grills, or other facilities designated	156	shall be paid before the impounded animal
21	to these activities may be established	89	for this purpose. Fires shall	157	is returned to its owner(s).
22	by the District Commander.	90	not be left unattended and must be	158	(g) Wild or exotic pets and animals
23	(e) All applicable Federal, State and	91	completely extinguished prior to departure	159	(including but not limited to cougars,
24	local laws regulating these activities	92	The burning of materials that	160	lions, bears, bobcats, wolves, and
25	apply on project lands and waters, and	93	produce toxic fumes, including, but not	161	snakes), or any pets or animals displaying
26	shall be regulated by authorized	94	limited to, tires, plastic and other	162	vicious or aggressive behavior
27	enforcement	95	floatation materials or treated wood	163	or otherwise posing a threat to public
28	officials as prescribed in	96	products is prohibited. The District	164	safety or deemed a public nuisance, are
29	§ 327.26.	97	Commander may prohibit open burning	165	prohibited from project lands and
30	[65 FR 6900, Feb. 11, 2000]	98	of any type for environmental	166	waters unless authorized by the District
31	§ 327.9 Sanitation.	99	considerations.	167	Commander, and are subject to
32	(a) Garbage, trash, rubbish, litter,	100	(c) Improper disposal of lighted	168	removal in accordance with Federal,
33	gray water, or any other waste material	101	smoking materials, matches or other	169	state and local laws.
34	or waste liquid generated on the	102	burning material is prohibited.	170	[65 FR 6901, Feb. 11, 2000]
35	project and incidental to authorized	103	[65 FR 6900, Feb. 11, 2000]	171	§ 327.12 Restrictions.
36	recreational activities shall be either	104	§ 327.11 Control of animals.	172	(a) The District Commander may establish
37	removed from the project or deposited	105	(a) No person shall bring or allow	173	and post a schedule of visiting
38	in receptacles provided for that purpose	106	dogs, cats, or other pets into developed	174	hours and/or restrictions on the public
39	The improper disposal of such	107	recreation areas or adjacent waters unless	175	use of a project or portion of a project.
40	wastes, human and animal waste included	108	penned, caged, on a leash under six	176	The District Commander may close or
41	on the project is prohibited.	109	feet in length, or otherwise physically	177	restrict the use of a project or portion
42	(b) It is a violation to bring onto a	110	restrained. No person shall allow animals	178	of a project when necessitated by reason
43	project any household or commercial	111	to impede or restrict otherwise	179	of public health, public safety,
44	garbage, trash, rubbish, debris, dead	112	full and free use of project lands and	180	maintenance, resource protection or
45	animals or litter of any kind for disposal	113	waters by the public. No person shall	181	other reasons in the public interest.
46	or dumping without the written	114	allow animals to bark or emit other	182	Entering or using a project in a manner
47	permission of the District Commander.	115	noise which unreasonably disturbs	183	which is contrary to the schedule
48	For the purposes of this section, the	116	other people. Animals and pets, except	184	of visiting hours, closures or restrictions
49	owner of any garbage, trash, rubbish,	117	properly trained animals assisting	185	is prohibited.
50	debris, dead animals or litter of any	118	those with disabilities (such as seeing eye	186	(b) Quiet shall be maintained in all
51	kind shall be presumed to be responsible	119	dogs), are prohibited in sanitary facilities	187	public use areas between the hours of
52	for proper disposal. Such presumption	120	playgrounds, swimming beaches	188	10 p.m. and 6 a.m., or those hours
53	will be sufficient to issue a	121	and any other areas so designated by	189	designated
54	citation for violation.	122	the District Commander. Abandonment	190	by the District Commander.
55	(c) The spilling, pumping, discharge	123	of any animal on project lands or	191	Excessive noise during such times
56	or disposal of contaminants, pollutants	124	waters is prohibited. Unclaimed or	192	which unreasonably disturbs persons is
57	or other wastes, including, but not limited	125	unattended	193	prohibited.
58	to, human or animal waste, petroleum,	126	animals are subject to immediate	194	(c) Any act or conduct by any person
59	industrial and commercial products	127	impoundment and removal in accordance	195	which interferes with, impedes or disrupts
60	and by-products, on project lands	128	with state and local laws.	196	the use of the project or impairs
61	or into project waters is prohibited.	129	(b) Persons bringing or allowing pets	197	the safety of any person is prohibited.
62	(d) Campers, picnickers, and all other	130	in designated public use areas shall be	198	Individuals who are boisterous, rowdy,
63	persons using a water resources	131	responsible for proper removal and	199	disorderly, or otherwise disturb the
64	development	132	disposal	200	peace on project lands or waters may
65	project shall keep their sites	133	of any waste produced by these	201	be requested to leave the project.
66	free of trash and litter during the period	134	animals.	202	(d) The operation or use of any sound
67	of occupancy and shall remove all	135	(c) No person shall bring or allow	203	producing or motorized equipment,
68	personal equipment and clean their	136	horses, cattle, or other livestock in	204	including

1	but not limited to generators,	69	by the District Commander for	137	by the District Commander. The net
2	vessels or vehicles, in such a manner as	70	reasons of protection of archaeological,	138	proceeds from the sale of property shall
3	to unreasonably annoy or endanger	71	historical or paleontological resources.	139	be conveyed into the Treasury of the
4	persons at any time or exceed state or	72	Specific information regarding metal	140	United States as miscellaneous receipts.
5	local laws governing noise levels from	73	detector policy and designated use	141	[65 FR 6901, Feb. 11, 2000]
6	motorized equipment is prohibited.	74	areas is available at the Manager's Office	142	§ 327.16 Lost and found articles.
7	(e) The possession and/or consumption	75	Items found must be handled in	143	All articles found shall be deposited
8	of alcoholic beverages on any portion	76	accordance with §§ 327.15 and 327.16	144	by the finder at the Manager's office or
9	of the project land or waters, or	77	except	145	with a ranger. All such articles shall be
10	the entire project, may be prohibited	78	for non-identifiable items such as	146	disposed of in accordance with the
11	when designated and posted by the District	79	coins of value less than \$25.	147	procedures
12	Commander.	80	[65 FR 6901, Feb. 11, 2000]	148	set forth in § 327.15.
13	(f) Unless authorized by the District	81	§ 327.15 Abandonment and	149	[65 FR 6902, Feb. 11, 2000]
14	Commander, smoking is prohibited in	82	impoundment	150	§ 327.17 Advertisement.
15	Visitor Centers, enclosed park buildings	83	of personal property.	151	(a) Advertising and the distribution
16	and in areas posted to restrict	84	(a) Personal property of any kind	152	of printed matter is allowed within
17	smoking.	85	shall not be abandoned, stored or left	153	project land and waters provided that a
18	[65 FR 6901, Feb. 11, 2000]	86	unattended upon project lands or	154	permit to do so has been issued by the
19	§ 327.13 Explosives, firearms, other	87	waters. After a period of 24 hours, or at	155	District Commander and provided that
20	weapons and fireworks.	88	any time after a posted closure hour in	156	this activity is not solely commercial
21	(a) The possession of loaded firearms,	89	a public use area or for the purpose of	157	advertising.
22	ammunition, loaded projectile firing	90	providing public safety or resource	158	(b) An application for such a permit
23	devices, bows and arrows, crossbows, or	91	protection,	159	shall set forth the name of the applicant,
24	other weapons is prohibited unless:	92	unattended personal property	160	the name of the organization (if
25	(1) In the possession of a Federal,	93	shall be presumed to be abandoned and	161	any), the date, time, duration, and location
26	state or local law enforcement officer;	94	may be impounded and stored at a storage	162	of the proposed advertising or
27	(2) Being used for hunting or fishing	95	point designated by the District	163	the distribution of printed matter, the
28	as permitted under § 327.8, with devices	96	Commander, who may assess a reasonable	164	number of participants, and any other
29	being unloaded when transported to,	97	impoundment fee. Such fee shall	165	information required by the permit
30	from or between hunting and fishing	98	be paid before the impounded property	166	application
31	sites;	99	is returned to its owner.	167	form. Permit conditions and
32	(3) Being used at authorized shooting	100	(b) Personal property placed on Federal	168	procedures are available from the District
33	ranges; or	101	lands or waters adjacent to a private	169	Commander.
34	(4) Written permission has been received	102	residence, facility and/or developments	170	(c) Vessels and vehicles with
35	from the District Commander.	103	of any private nature for more	171	semipermanent or permanent painted
36	(b) Possession of explosives or explosive	104	than 24 hours without permission of	172	or installed signs are exempt as long as
37	devices of any kind, including fireworks,	105	the District Commander shall be presumed	173	they are used for authorized recreational
38	or other pyrotechnics, is prohibited	106	to have been abandoned and, unless	174	activities and comply with
39	unless written permission has been	107	proven otherwise, such presumption	175	all other rules and regulations pertaining
40	received from the District Commander.	108	will be sufficient to impound the	176	to vessels and vehicles.
41	[65 FR 6901, Feb. 11, 2000]	109	property and/or issue a citation as provided	177	(d) The District Commander shall,
42	§ 327.14 Public property.	110	for in § 327.25.	178	without unreasonable delay, issue a
43	(a) Destruction, injury, defacement,	111	(c) The District Commander shall, by	179	permit on proper application unless:
44	removal or any alteration of public	112	public or private sale or otherwise, disposal	180	(1) A prior application for a permit
45	property including, but not limited to,	113	of all lost, abandoned or unclaimed	181	for the same time and location has
46	developed facilities, natural formations,	114	personal property that comes	182	been made that has been or will be
47	mineral deposits, historical and	115	into Government custody or control.	183	granted and the activities authorized
48	archaeological features, paleontological	116	However, property may not be disposed	184	by that permit do not reasonably allow
49	resources, boundary	117	of until diligent effort has been made	185	multiple occupancy of the particular
50	monumentation or markers and vegetation	118	to find the owner, heirs, next of kin or	186	area; or
51	growth, is prohibited except	119	legal representative(s). If the owner,	187	(2) It reasonably appears that the
52	when in accordance with written	120	heirs, next of kin or legal representative	188	advertising
53	permission	121	s) are determined but not found,	189	or the distribution of printed
54	of the District Commander.	122	the property may not be disposed of	190	matter will present a clear and present
55	(b) Cutting or gathering of trees or	123	until the expiration of 120 days after	191	danger to the public health and safety;
56	parts of trees and/or the removal of	124	the date when notice, giving the time	192	or
57	wood from project lands is prohibited	125	and place of the intended sale or other	193	(3) The number of persons engaged in
58	without written permission of the District	126	disposition, has been sent by certified	194	the advertising or the distribution of
59	Commander.	127	or registered mail to that person at the	195	printed matter exceeds the number
60	(c) Gathering of dead wood on the	128	last known address. When diligent effort	196	that can reasonably be accommodated
61	ground for use in designated recreation	129	to determine the owner, heirs,	197	in the particular location applied for,
62	areas as firewood is permitted, unless	130	next of kin or legal representative(s)	198	considering such things as damage to
63	prohibited and posted by the District	131	are unsuccessful, the property may be	199	project resources or facilities, impairment
64	Commander.	132	disposed of without delay except that if	200	of a protected area's atmosphere
65	(d) The use of metal detectors is permitted	133	it has a fair market value of \$100 or	201	of peace and tranquility, interference
66	on designated beaches or other	134	more the property may not be disposed	202	with program activities, or impairment
67	previously disturbed areas unless	135	of until 90 days after the date it is received	203	of public use facilities; or
68	prohibited	136	at the storage point designated	204	(4) The location applied for has not

1	been designated as available for the	69	of the permit. Such a revocation	137	resources development projects, where
2	advertising	70	shall be made in writing, with the reason	138	such waters are under the management
3	or the distribution of printed	71	s) for revocation clearly set forth,	139	of the Corps of Engineers and where
4	matter; or	72	except under emergency circumstances	140	such waters are not deemed navigable
5	(5) The activity would constitute a	73	when an immediate verbal	141	waters of the United States, shall be
6	violation of an applicable law or regulation	74	revocation or suspension may be made,	142	issued as set forth in paragraph (b) of
7	(e) If a permit is denied, the applicant	75	to be followed by written confirmation	143	this section. If a discharge of dredged
8	shall be so informed in writing,	76	within 72 hours.	144	or fill material into any water of the
9	with the reason(s) for the denial set	77	(k) Violation of the terms and conditions	145	United States is involved, a permit is
10	forth.	78	of a permit issued in accordance	146	required under section 404 of the Clean
11	(f) The District Commander shall	79	with this section may result in the	147	Water Act (33 U.S.C. 1344) (See 33 CFR
12	designate on a map, which shall be	80	suspension	148	parts 320 through 330). Water quality
13	available for inspection in the applicable	81	or revocation of the permit.	149	certification may be required pursuant
14	project office, the locations within	82	[65 FR 26137, May 5, 2000]	150	to Section 401 of the Clean Water Act
15	the project that are available for the	83	§ 327.18 Commercial activities.	151	(33 U.S.C. 1341).
16	advertising or the distribution of printed	84	(a) The engaging in or solicitation of	152	(e) Shoreline Use Permits to authorize
17	matter. Locations may be designated	85	business on project land or waters	153	private shoreline use facilities, activities
18	as not available only if the advertising	86	without the express written permission	154	or development (issued under
19	or the distribution of printed	87	of the District Commander is prohibited	155	the authority of § 327.30) may be issued
20	matter would:	88	(b) It shall be a violation of this part	156	in accordance with the project Shoreline
21	(1) Cause injury or damage to project	89	to refuse to or fail to comply with any	157	Management Plan. Failure to comply
22	resources; or	90	terms, clauses or conditions of any	158	with the permit conditions issued
23	(2) Unreasonably impair the atmosphere	91	lease, license or agreements issued by	159	under § 327.30 is prohibited.
24	of the peace and tranquility	92	the District Commander.	160	[65 FR 6902, Feb. 11, 2000]
25	maintained in natural, historic, or	93	[65 FR 6902, Feb. 11, 2000]	161	§ 327.20 Unauthorized structures.
26	commemorative zones; or	94	§ 327.19 Permits.	162	The construction, placement, or existence
27	(3) Unreasonably interfere with	95	(a) It shall be a violation of this part	163	of any structure (including, but
28	interpretive,	96	to refuse to or fail to comply with the	164	not limited to, roads, trails, signs,
29	visitor service, or other program	97	fee requirements or other terms or	165	nonportable
30	activities, or with the administrative	98	conditions	166	hunting stands or blinds,
31	activities of the Corps of Engineers;	99	of any permit issued under the	167	buoys, docks, or landscape features) of
32	or	100	provisions of this part 327.	168	any kind under, upon, in or over the
33	(4) Substantially impair the operation	101	(b) Permits for floating structures	169	project lands, or waters is prohibited
34	of public use facilities or services	102	(issued under the authority of § 327.30)	170	unless a permit, lease, license or other
35	of Corps of Engineers concessioners or	103	of any kind on/in waters of water resource	171	appropriate written authorization has
36	contractors.	104	development projects, whether	172	been issued by the District Commander.
37	(5) Present a clear and present danger	105	or not such waters are deemed navigable	173	The design, construction,
38	to the public health and safety.	106	waters of the United States but	174	placement, existence or use of structures
39	(g) The permit may contain such conditions	107	where such waters are under the	175	in violation of the terms of the
40	as are reasonably consistent	108	management	176	permit, lease, license, or other written
41	with protection and use of the project	109	of the Corps of Engineers,	177	authorization is prohibited. The
42	area for the purposes for which it is	110	shall be issued at the discretion of the	178	government
43	established.	111	District Commander under the authority	179	shall not be liable for the loss
44	(h) No permit shall be issued for a period	112	of this section. District Commanders	180	of, or damage to, any private structures,
45	in excess of 14 consecutive days,	113	will delineate those portions	181	whether authorized or not,
46	provided that permits may be extended	114	of the navigable waters of the United	182	placed on project lands or waters.
47	for like periods, upon a new application	115	States where this provision is applicable	183	Unauthorized
48	unless another applicant has requested	116	and post notices of this designation	184	structures are subject to
49	use of the same location and	117	in the vicinity of the appropriate Manage	185	summary removal or impoundment by
50	multiple occupancy of that location is	118	office.	186	the District Commander. Portable
51	not reasonably possible.	119	(c) Permits for non-floating structures	187	hunting stands, climbing devices,
52	(i) It is prohibited for persons engaged	120	(issued under the authority of	188	steps, or blinds, that are not nailed or
53	in the activity under this section	121	§ 327.30) of any kind constructed, placed	189	screwed into trees and are removed at
54	to obstruct or impede pedestrians or	122	in or affecting waters of water resource	190	the end of a day's hunt may be used.
55	vehicles, harass project visitors with	123	development projects where	191	[65 FR 6902, Feb. 11, 2000]
56	physical contact or persistent demands,	124	such waters are deemed navigable	192	§ 327.21 Special events.
57	misrepresent the purposes or	125	waters of the U.S. shall be issued under	193	(a) Special events including, but not
58	affiliations of those engaged in the	126	the provisions of section 10 of the Rivers	194	limited to, water carnivals, boat regattas,
59	advertising	127	and Harbors Act approved March 3,	195	fishing tournaments, music festivals,
60	or the distribution of printed	128	1899 (33 U.S.C. 403). If a discharge of	196	dramatic presentations or other
61	matter, or misrepresent whether the	129	dredged or fill material in these waters	197	special recreation programs are prohibited
62	printed matter is available without	130	is involved, a permit is required under	198	unless written permission has been
63	cost or donation.	131	section 404 of the Clean Water Act (33	199	granted by the District Commander.
64	(j) A permit may be revoked under	132	U.S.C. 1344). (See 33 CFR parts 320	200	Where appropriate, District Commanders
65	any of those conditions, as listed in	133	through 330.)	201	can provide the state a blanket
66	paragraph (d) of this section, that constitute	134	(d) Permits for non-floating structures	202	letter of permission to permit fishing
67	grounds for denial of a permit,	135	(issued under the authority of	203	tournaments while coordinating
68	or for violation of the terms and conditions	136	§ 327.30) of any kind in waters of water	204	

1	the scheduling and details of tournament	69	upon presentation of such a permit, to	137	U.S. Army Corps of Engineers that is a
2	with individual projects. An	70	utilize special recreation facilities at a	138	crime under the provisions of section
3	appropriate fee may be charged under	71	rate of 50 percent off the established	139	111 or section 1114 of Title 18, United
4	the authority of § 327.23.	72	use fee at Federally operated areas.	140	States Code or under provisions of
5	(b) The public shall not be charged	73		141	pertinent
6	any fee by the sponsor of such event	74	Fraudulent use of a Golden Age or	142	state law may be tried and sentenced
7	unless the District Commander has	75	Golden Access Passport is prohibited.	143	as further provided under Federal
8	approved	76	[65 FR 6903, Feb. 11, 2000]	144	or state law, as the case may be.
9	in writing (and the sponsor has	77	§ 327.24 Interference with Government	145	[65 FR 6903, Feb. 11, 2000]
10	properly posted) the proposed schedule	78	employees.	146	§ 327.26 State and local laws.
11	of fees. The District Commander shall	79	(a) It is a Federal crime pursuant to	147	(a) Except as otherwise provided in
12	have authority to revoke permission,	80	the provisions of sections 111 and 1114	148	this part or by Federal law or regulation,
13	require removal of any equipment, and	81	of Title 18, United States Code, to forbid	149	state and local laws and ordinances
14	require restoration of an area to previous	82	assault, resist, oppose, impede, intimidate	150	shall apply on project lands and
15	condition, upon failure of the	83	or interfere with, attempt to	151	waters. This includes, but is not limited
16	sponsor to comply with terms and	84	kill or kill any civilian official or employee	152	to, state and local laws and ordinances
17	conditions	85	for the U.S. Army Corps of Engineers	153	governing:
18	of the permit/permission or the	86	engaged in the performance of	154	(1) Operation and use of motor vehicles,
19	regulations in this part 327.	87	his or her official duties, or on account	155	vessels, and aircraft;
20	[65 FR 6902, Feb. 11, 2000]	88	of the performance of his or her official	156	(2) Hunting, fishing and trapping;
21	§ 327.22 Unauthorized occupation.	89	duties. Such actions or interference directed	157	(3) Use or possession of firearms or
22	(a) Occupying any lands, buildings,	90	against a Federal employee	158	other weapons;
23	vessels or other facilities within water	91	while carrying out the regulations in	159	(4) Civil disobedience and criminal
24	resource development projects for the	92	this part are violation of such regulations	160	acts;
25	purpose of maintaining the same as a	93	and may be a state crime pursuant	161	(5) Littering, sanitation and pollution;
26	full-or part-time residence without the	94	to the laws of the state where they	162	and
27	written permission of the District	95	occur.	163	(6) Alcohol or other controlled substances.
28	Commander is prohibited. The provision	96	(b) Failure to comply with a lawful	164	(b) These state and local laws and
29	of this section shall not apply to	97	order issued by a Federal employee	165	ordinances
30	the occupation of lands for the purpose	98	acting pursuant to the regulations in	166	are enforced by those state
31	of camping, in accordance with the	99	this part shall be considered as interference	167	and local enforcement agencies established
32	provisions	100	with that employee while engaged	168	and authorized for that purpose.
33	of § 327.7.	101	in the performance of their official	169	[65 FR 6903, Feb. 11, 2000]
34	(b) Use of project lands or waters for	102	duties. Such interference with a	170	§§ 327.27-327.29 [Reserved]
35	agricultural purposes is prohibited except	103	Federal employee includes failure to	171	§ 327.30 Shoreline Management on
36	when in compliance with terms	104	provide a correct name, address or	172	Civil Works Projects.
37	and conditions authorized by lease, license	105	other information deemed necessary	173	(a) <i>Purpose.</i> The purpose of this regulation
38	or other written agreement	106	for identification upon request of the	174	is to provide policy and guidance
39	issued by the District Commander.	107	Federal employee, when that employee	175	on management of shorelines of Civil
40	[65 FR 6903, Feb. 11, 2000]	108	is authorized by the District Commander	176	Works projects where 36 CFR part 327 is
41	§ 327.23 Recreation use fees.	109	to issue citations in the performance	177	applicable.
42	(a) In accordance with the Land and	110	of the employee's official duties.	178	(b) <i>Applicability.</i> This regulation is
43	Water Conservation Fund Act of 1965	111	[65 FR 6903, Feb. 11, 2000]	179	applicable to all field operating agencies
44	(16 U.S.C. 460l) and the Omnibus Budget	112	§ 327.25 Violations of rules and	180	with Civil Works responsibilities
45	Reconciliation Act of 1993, Pub. L. 103-	113	regulations.	181	except when such application would result
46	66, the Corps of Engineers collects day	114	(a) Any person who violates the provisions	182	in an impingement upon existing
47	use fees, special recreation use fees	115	of the regulations in this part,	183	Indian rights.
48	and/or special permit fees for the use of	116	other than for a failure to pay authorized	184	(c) <i>References.</i> (1) Section 4, 1944
49	specialized sites, facilities, equipment	117	recreation use fees as separately	185	Flood Control Act, as amended (16
50	or services related to outdoor recreation	118	provided for in § 327.23, may be punished	186	U.S.C. 460d).
51	furnished at Federal expense.	119	by a fine of not more than \$5,000	187	
52	(b) Where such fees are charged, the	120	or imprisonment for not more than six	188	(2) The Rivers and Harbors Act of
53	District Commander shall insure that	121	months or both and may be tried and	189	1894, as amended and supplemented (33
54	clear notice of fee requirements is	122	sentenced in accordance with the	190	U.S.C. 1)
55	prominently posted at each area, and	123	provisions	191	(3) Section 10, River and Harbor Act
56	at appropriate locations therein and	124	of section 3401 of Title 18,	192	of 1899 (33 U.S.C. 403).
57	that the notice be included in publications	125	United States Code. Persons designated	193	(4) National Historic Preservation
58	distributed at such areas. Failure	126	by the District Commander shall have	194	Act of 1966 (Pub. L. 89-665; 80 Stat. 915)
59	to pay authorized recreation use fees as	127	the authority to issue a citation for	195	as amended (16 U.S.C. 470 <i>et seq.</i>).
60	established pursuant to Pub. L. 88-578,	128	violation of the regulations in this	196	(5) The National Environmental Policy
61	78 Stat. 897, as amended (16 U.S.C. 460l-	129	part, requiring any person charged	197	Act of 1969 (42 U.S.C. 4321, <i>et seq.</i>).
62	6a), is prohibited and is punishable by a	130	with the violation to appear before the	198	(6) The Clean Water Act (33 U.S.C.
63	fine of not more than \$100.	131	United States Magistrate within whose	199	1344, <i>et seq.</i>).
64	(c) Failure to pay authorized day use	132	jurisdiction the affected water resource	200	(7) The Water Resources Development
65	fees, and/or properly display applicable	133	development project is located	201	Act of 1986 (Pub. L. 99-662).
66	receipt, permit or pass is prohibited.	134	(16 U.S.C. 460d).	202	(8) Title 36, chapter III, part 327, Code
67	(d) Any Golden Age or Golden Access	135	(b) Any person who commits an act	203	of Federal Regulations, "Rules and
68	Passport permittee shall be entitled,	136	against any official or employee of the	204	Regulations Governing Public Use of

1	Water Resource Development Projects	69	allocations (e.g. increases/decreases).	137	plan is made until the action is completed.
2	Administered by the Chief of Engineers.”	70	Maximum public participation	138	(3) <i>Approval</i> . Approval of Shoreline
3	(9) Executive Order 12088 (13 Oct. 78).	71	will be encouraged as set forth in	139	Management Plans rests with division
4	(10) 33 CFR parts 320–330, “Regulatory	72	§ 327.30(e)(6). Except to honor written	140	commanders. After approval, one copy
5	Programs of the Corps of Engineers.”	73	commitments made prior to the publica	141	of each project Shoreline Management
6	(11) ER 1130–2–400, “Management of	74	of this regulation, shoreline	142	Plan will be forwarded to HQUSACE
7	Natural Resources and Outdoor Recreation	75	management plans are not required for	143	(CECW-ON) WASH DC 20314–1000. Copies
8	at Civil Works Water Resource	76	those projects where construction was	144	of the approved plan will also be
9	Projects.”	77	initiated after December 13, 1974, or on	145	made available to the public.
10	(12) EM 385–1–1, “Safety and Health	78	projects not having private shoreline	146	(4) <i>Scope and Format</i> . The Shoreline
11	Requirements Manual.”	79	use as of that date. In that case, a	147	Management Plan will consist of a map
12	(d) <i>Policy</i> . (1) It is the policy of the	80	statement of policy will be developed	148	showing the shoreline allocated to the
13	Chief of Engineers to protect and manage	81	by the district commander to present	149	uses listed in § 327.30(e)(6), related rules
14	shorelines of all Civil Works water	82	the shoreline management policy. This	150	and regulations, a discussion of what
15	resource development projects under	83	policy statement will be subject to the	151	areas are open or closed to specific
16	Corps jurisdiction in a manner which	84	approval of the division commander.	152	activities
17	will promote the safe and healthful use	85	For projects where two or more agencies	153	and facilities, how to apply for
18	of these shorelines by the public while	86	have jurisdiction, the plan will be	154	permits and other information pertinent
19	maintaining environmental safeguards	87	cooperatively prepared with the Corps	155	to the Corps management of the
20	to ensure a quality resource for use by	88	as coordinator.	156	shoreline. The plan will be prepared in
21	the public. The objectives of all	89	(4) Where commercial or other public	157	sufficient detail to ensure that it is
22	management	90	launching and/or moorage facilities are	158	clear to the public what uses are and
23	actions will be to achieve a	91	not available within a reasonable distan	159	are not allowed on the shoreline of the
24	balance between permitted private uses	92	group owned mooring facilities	160	project and why. A process will be
25	and resource protection for general	93	may be allowed in Limited Development	161	developed
26	public use. Public pedestrian access to	94	Areas to limit the proliferation	162	and presented in the Shoreline
27	and exit from these shorelines shall be	95	of individual facilities. Generally only	163	Management Plan that prescribes a
28	preserved. For projects or portions of	96	one permit will be necessary for a	164	procedure for review of activities requested
29	projects where Federal real estate interest	97	group owned mooring facility with that	165	but not specifically addressed
30	is limited to easement title	98	entity, if incorporated, or with one pers	166	by the Shoreline Management Plan.
31	only, management actions will be	99	facility by others nor shall any commer	167	(5) <i>Shoreline Allocation</i> . The entire
32	appropriate	100	as the permittee and responsible for all	168	shoreline will be allocated within the
33	within the limits of the estate	101	moorage spaces within the facility. No	169	classifications below and delineated on
34	acquired.	102	charge may be made for use of any	170	a map. Any action, within the context
35	(2) Private shoreline uses may be	103	permitted	171	of this rule, which gives a special privileg
36	authorized	104	facility by others nor shall any commer	172	to an individual or group of individuals
37	in designated areas consistent	105	activity be engaged in thereon.	173	on land or water at a Corps
38	with approved use allocations specified	106	(5) The issuance of a private shoreline	174	project, that precludes use of those
39	in Shoreline Management Plans. Except	107	use permit does not convey any	175	lands and waters by the general public,
40	to honor written commitments	108	real estate or personal property rights	176	is considered to be private shoreline
41	made prior to publication of this regula	109	or exclusive use rights to the permit	177	use. Shoreline allocations cover that
42	private shoreline uses are not	110	holder. The public’s right of access and	178	land and/or water extending from the
43	allowed on water resource projects	111	use of the permit area must be maintain	179	edge of the water and waterward with
44	where construction was initiated after	112	and preserved. Owners of permitted	180	the exception of allocations for the
45	December 13, 1974, or on water resour	113	facilities may take necessary	181	purpose of vegetation modification
46	projects where no private shoreline	114	precautions to protect their property	182	which extends landward to the project
47	uses existed as of that date. Any existin	115	from theft, vandalism or trespass, but	183	boundary. These allocations should
48	permitted facilities on these	116	may in no way preclude the public	184	complement, but certainly not contradict,
49	projects will be grandfathered until the	117	right of pedestrian or vessel access to	185	the land classifications in the
50	facilities fail to meet the criteria set	118	the water surface or public land adjacen	186	project master plan. A map of sufficient
51	forth in § 327.30(h).	119	to the facility.	187	size and scale to clearly display
52	(3) A Shoreline Management Plan, as	120	(6) Shoreline Use Permits will only	188	the shoreline allocations will be
53	described in § 327.30(e), will be prepar	121	be issued to individuals or groups with	189	conspicuously
54	for each Corps project where private	122	legal right of access to public lands.	190	displayed or readily available
55	shoreline use is allowed. This plan will	123	(e) <i>Shoreline Management Plan</i> —(1)	191	for viewing in the project administration
56	honor past written commitments. The	124	<i>General</i> . The policies outlined in	192	office and will serve as the authoritative
57	plan will be reviewed at least once	125	§ 327.30(d) will be implemented throu	193	reference. Reduced or
58	every five years and revised as necessar	126	preparation of Shoreline Management	194	smaller scale maps may be developed
59	Shoreline uses that do not	127	Plans, where private shoreline use is	195	for public dissemination but the
60	interfere with authorized project purpos	128	allowed.	196	information
61	public safety concerns, violate	129	(2) <i>Preparation</i> . A Shoreline Manage	197	contained on these must be
62	local norms or result in significant	130	Plan is prepared as part of the	198	identical to that contained on the display
63	environmental	131	Operational Management Plan. A	199	map in the project administration
64	effects should be allowed	132	moratorium	200	office. No changes will be made to
65	unless the public participation process	133	on accepting applications for	201	these maps except through the formal
66	identifies problems in these areas. If	134	new permits may be placed in effect	202	update process. District commanders
67	sufficient demand exists, consideration	135	from the time an announcement of crea	203	may add specific constraints and identify
68	should be given to revising the shoreline	136	of a plan or formal revision of a	204	areas having unique characteristics

1	during the plan preparation, review,	69	intake structures, etc. No shoreline use	137	District commanders may make
2	or updating process in addition to	70	permits will be issued in Prohibited Access	138	minor revisions to the Shoreline
3	the allocation classifications described	71	Areas.	139	Management
4	below.	72	(6) <i>Public Participation</i> . District	140	Plan when the revisions are
5	(i) <i>Limited Development Areas</i> . Limited	73	commanders	141	consistent with policy and funds for a
6	Development Areas are those areas in	74	will ensure public participation	142	complete plan update are not available.
7	which private facilities and/or activities	75	to the maximum practicable extent	143	The amount and type of public involvement
8	may be allowed consistent with	76	in Shoreline Management Plan	144	needed for such revision is at the
9	§ 327.30(h) and appendix A. Modification	77	formulation, preparation and subsequent	145	discretion of the district commander.
10	of vegetation by individuals may be allowed	78	revisions. This may be accomplished	146	(f) <i>Instruments for Shoreline Use</i> .
11	only following the issuance of a	79	by public meetings, group	147	Instruments
12	permit in accordance with appendix A.	80	workshops, open houses or other public	148	used to authorize private
13	Potential low and high water conditions	81	involvement techniques. When master	149	shoreline use facilities, activities or
14	and underwater topography	82	plan updates and preparation of the	150	development are as follows:
15	should be carefully evaluated before	83	Shoreline Management Plans are	151	(1) <i>Shoreline Use Permits</i> . (i) Shoreline
16	shoreline is allocated as Limited	84	concurrent,	152	Use Permits are issued and enforced in
17	Development	85	public participation may be	153	accordance with provisions of 36 CFR
18	Area.	86	combined and should consider all aspects	154	327.19.
19	(ii) <i>Public Recreation Areas</i> . Public	87	of both plans, including shoreline	155	(ii) Shoreline Use Permits are required
20	Recreation Areas are those areas designated	88	allocation classifications. Public	156	for private structures/activities
21	for commercial concessionaire	89	participation	157	of any kind (except boats) in waters of
22	facilities, Federal, state or other similar	90	will begin during the initial	158	Civil Works projects whether or not
23	public use. No private shoreline use	91	formulation stage and must be broad-based	159	such waters are deemed navigable and
24	facilities and/or activities will be permitted	92	to cover all aspects of public interest.	160	where such waters are under the primary
25	within or near designated or developed	93	The key to successful implementation	161	jurisdiction of the Secretary of
26	public recreation areas. The	94	is an early and continual	162	the Army and under the management
27	term "near" depends on the terrain,	95	public relations program. Projects with	163	of the Corps of Engineers.
28	road system, and other local conditions,	96	significant numbers of permits should	164	(iii) Shoreline Use Permits are required
29	so actual distances must be established	97	consider developing computerized	165	for non-floating structures on
30	on a case by case basis in	98	programs	166	waters deemed commercially non-
31	each project Shoreline Management	99	to facilitate exchange of information	167	navigable,
32	Plan. No modification of land forms or	100	with permittees and to improve	168	when such waters are under
33	vegetation by private individuals or	101	program efficiency. Special care will be	169	management of the Corps of Engineers.
34	groups of individuals is permitted in	102	taken to advise citizen and conservation	170	(iv) Shoreline Use Permits are also
35	public recreation areas.	103	organizations; Federal, state and	171	required for land vegetation modification
36	(iii) <i>Protected Shoreline Areas</i> . Protected	104	local natural resource management	172	activities which do not involve
37	Shoreline Areas are those areas	105	agencies; Indian Tribes; the media;	173	disruption to land form.
38	designated to maintain or restore aesthetic	106	commercial concessionaires; congressional	174	(v) Permits should be issued for a
39	fish and wildlife, cultural, or	107	liaisons; adjacent landowners	175	term of five years. To reduce administration
40	other environmental values. Shoreline	108	and other concerned entities during the	176	costs, one year permits should
41	may also be so designated to prevent	109	formulation of Shoreline Management	177	be issued only when the location or nature
42	development in areas that are subject	110	Plans and subsequent revisions. Notices	178	of the activity requires annual
43	to excessive siltation, erosion, rapid	111	shall be published prior to public	179	reissuance.
44	dewatering, or exposure to high wind,	112	meetings to assure maximum public	180	(vi) Shoreline Use Permits for erosion
45	wave, or current action and/or in areas	113	awareness. Public notices shall be	181	control may be issued for the life
46	in which development would interfere	114	issued by the district commander allowed	182	or period of continual ownership of the
47	with navigation. No Shoreline Use Permits	115	for a minimum of 30 days for receipt	183	structure by the permittee and his/her
48	for floating or fixed recreation facilities	116	of written public comment in regard	184	legal spouse.
49	will be allowed in protected	117	to the proposed Shoreline Management	185	(2) <i>Department of the Army Permits</i> .
50	areas. Some modification of vegetation	118	Plan or any major revision	186	Dredging, construction of fixed structures,
51	by private individuals, such as clearing	119	thereto.	187	including fills and combination
52	a narrow meandering path to the	120	(7) <i>Periodic Review</i> . Shoreline Management	188	fixed-floating structures and the discharge
53	water, or limited mowing, may be allowed	121	Plans will be reviewed periodically,	189	of dredged or fill material in
54	only following the issuance of a	122	but no less often than every	190	waters of the United States will be
55	permit if the resource manager determines	123	five years, by the district commander	191	evaluated under authority of section
56	that the activity will not adversely	124	to determine the need for update. If	192	10, River and Harbor Act of 1899 (33
57	impact the environment or	125	sufficient controversy or demand exists,	193	U.S.C. 403) and section 404 of the Clean
58	physical characteristics for which the	126	consideration should be given,	194	Water Act (33 U.S.C. 1344). Permits will
59	area was designated as protected. In	127	consistent with other factors, to a	195	be issued where appropriate.
60	making this determination the effect	128	process of reevaluation of the shoreline	196	(3) <i>Real Estate Instruments</i> . Commercial
61	on water quality will also be considered	129	allocations and the plan. When changes	197	development activities and activities
62	(iv) <i>Prohibited Access Areas</i> . Prohibited	130	to the Shoreline Management Plan are	198	which involve grading, cuts, fills,
63	Access Areas are those in which	131	needed, the plan will be formally updated	199	or other changes in land form, or
64	public access is not allowed or is restricted	132	through the public participation	200	establishment
65	for health, safety or security	133	process. Cumulative environmental impacts	201	of appropriate land-based support
66	reasons. These could include hazardous	134	of permit actions and the possibility	202	facilities required for private
67	areas near dams, spillways, hydro-electric	135	of preparing or revising project	203	floating facilities, will continue to be
68	power stations, work areas, water	136	NEPA documentation will be considered	204	covered by a lease, license or other

1	legal grant issued through the appropriate	69	new owners. If the holder of the permit	137	a. Decisions regarding permits for private
2	real estate element. Shoreline	70	fails to comply with the terms of the	138	floating recreation facilities will consider
3	Management Plans should identify the	71	permit, it may be revoked and the	139	the operating objectives and physical
4	types of activities that require real estate	72	holder required to remove the structure	140	characteristics
5	instruments and indicate the general	73	in accordance with the terms of	141	of each project. In developing
6	process for obtaining same. Shoreline	74	the permit as to notice, time, and appeal	143	Shoreline Management Plans, district
7	Use Permits are not required for	75	(i) <i>Facility Maintenance</i> . Permitted facility	144	commanders
8	facilities or activities covered by a real	76	must be operated, used and	145	will give consideration to the effects
9	estate instrument.	77	maintained by the permittee in a safe,	146	of added private boat storage facilities
10	(g) <i>Transfer of Permits</i> . Shoreline Use	78	healthful condition at all times. If	147	on commercial concessions for that purpose.
11	Permits are non-transferable. They become	79	determined	148	Consistent with established policies, new
12	null and void upon sale or transfer	80	to be unsafe, the resource	149	commercial concessions may be alternatives
13	of the permitted facility or the	81	manager will establish together with	150	to additional limited development shoreline.
14	death of the permittee and his/her legal	82	the permittee a schedule, based on the	151	b. Permits for individually or group owned
15	spouse.	83	seriousness of the safety deficiency, for	152	shoreline use facilities may be granted only
16	(h) <i>Existing Facilities Now Under Permit</i> .	84	correcting the deficiency or having it	153	in Limited Development Areas when the
17	Implementation of a Shoreline	85	removed, at the permittee's expense.	154	sites are not near commercial marine services
18	Management Plan shall consider existing	86	The applicable safety and health	155	and such use will not spoil the shoreline
19	permitted facilities and prior written	87	prescriptions	156	nor inhibit public use or enjoyment
20	Corps commitments implicit in	88	in EM 385-1-1 should be used	157	thereof. The installation and use of such facilities
21	their issuance. Facilities or activities	89	as a guide.	158	will not be in conflict with the preservation
22	permitted under special provisions	90	(j) <i>Density of Development</i> . The density	159	of the natural characteristics of the
23	should be identified in a way that will	91	of private floating and fixed recreation	160	shoreline nor will they result in significant
24	set them apart from other facilities or	92	facilities will be established in	161	environmental damage. Charges will be made
25	activities.	93	the Shoreline Management Plan for all	162	for Shoreline Use Permits in accordance
26	(1) Section 6 of Pub. L. 97-140 provides	94	portions of Limited Development areas	163	with the separately published fee schedule.
27	that no lawfully installed dock or	95	consistent with ecological and aesthetic	164	c. Permits may be granted within Limited
28	appurtenant structures shall be required	96	characteristics and prior written	165	Development Areas for ski jumps, floats,
29	to be removed prior to December	97	commitments. The facility density in	166	boat moorage facilities, duck blinds, and
30	31, 1989, from any Federal water resource	98	Limited Development Areas should, if	167	other private floating recreation facilities
31	reservoir or lake project administered	99	feasible, be determined prior to the	168	when they will not create a safety hazard
32	by the Secretary of the	100	development	169	and inhibit public use or enjoyment of
33	Army, acting through the Chief of Engineers	101	of adjacent private property.	170	project waters or shoreline. A Corps permit
34	on which it was located on December	102	The density of facilities will not	171	is not required for temporary ice fishing
35	29, 1981, if such property is	103	be more than 50 per cent of the Limited	172	shelters or duck blinds when they are regulated
36	maintained in usable condition, and	104	Development Area in which they are	173	by a state program. When the facility
37	does not occasion a threat to life or	105	located. Density will be measured by	174	or activity is authorized by a shoreline use
38	property.	106	determining the linear feet of shoreline	175	permit, a separate real estate instrument is
39	(2) In accordance with section 1134(d)	107	as compared to the width of the facilities	176	generally not required.
40	of Pub. L. 99-662, any houseboat,	108	in the water plus associated moorage	177	d. Group owned boat mooring facilities
41	boathouse,	109	arrangements which restrict the	178	may be permitted in Limited Development
42	floating cabin or lawfully installed	110	full unobstructed use of that portion of	179	Areas where practicable (e.g. where physically
43	dock or appurtenant structures	111	the shoreline. When a Limited Development	180	feasible in terms of access, water
44	in place under a valid shoreline use	112	Area or a portion of a Limited	181	depths, wind protection, etc.).
45	permit as of November 17, 1986, cannot	113	Development area reaches maximum	182	2. <i>Applications for Shoreline Use Permits</i>
46	be forced to be removed from any Federal	114	density, notice should be given to the	183	a. Applications for private Shoreline Use
47	water resources project or lake	115	public and facility owners in that area	184	Permits will be reviewed with full consideration
48	administered	116	that no additional facilities will be allowed	185	of the policies set forth in this and referenced
49	by the Secretary of the	117	In all cases, sufficient open area	186	regulations, and the Shoreline Management
50	Army on or after December 31, 1989, if	118	will be maintained for safe maneuvering	187	Plan. Fees associated with the
51	it meets the three conditions below except	119	of watercraft. Docks should not	188	Shoreline Use Permit shall be paid prior to
52	where necessary for immediate	120	extend out from the shore more than	189	issuing the permit. Plans and specifications
53	use for public purposes or higher public	121	one-third of the width of a cove at normal	190	of the proposed facility shall be submitted
54	use or for a navigation or flood control	122	recreation or multipurpose pool. In	191	and approved prior to the start of construction.
55	project.	123	those cases where current density of	192	Submissions should include engineering
56	(i) Such property is maintained in a	124	development exceeds the density level	193	details, structural design, anchorage method,
57	usable and safe condition,	125	established in the Shoreline Management	194	and construction materials; the type,
58	(ii) Such property does not occasion a	126	Plan, the density will be reduced	195	size, location and ownership of the facility;
59	threat to life or property, and	127	to the prescribed level through attrition.	196	expected duration of use; and an indication
60	(iii) The holder of the permit is in	128	(k) <i>Permit Fees</i> . Fees associated with	197	of willingness to abide by the applicable
61	substantial compliance with the existing	129	the Shoreline Use Permits shall be paid	198	regulations
62	permit.	130	prior to issuing the permit in accordance	199	and terms and conditions of the permit.
63	(3) All such floating facilities and	131	with the provisions of	200	Permit applications shall also identify
64	appurtenances	132	§ 327.30(c)(1). The fee schedule will be	201	and locate any land-based support facilities
65	will be formally recognized	133	published separately.	202	and any specific safety considerations.
66	in an appropriate Shoreline Management	134	APPENDIX A TO § 327.30—GUIDELINES FOR	203	b. Permits will be issued by the district
67	Plan. New permits for these	135	GRANTING SHORELINE USE PERMITS	204	commander or his/her authorized representative
68	permitted facilities will be issued to	136	1. <i>General</i>	205	on ENG Form 4264-R (Application for
				206	Shoreline Use Permit) (appendix B). Computer
				207	generated forms may be substituted
				208	for ENG Form 4264-R provided all information
				209	is included. The computer generated
				210	form will be designated, "ENG Form 4264-RE,
				211	Oct 87 (Electronic generation approved by
				212	USACE, Oct 87)".
				213	c. The following are guides to issuance of
					Shoreline Use Permits:

1	(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.	78	management plan permit conditions based on health conditions will be reviewed on a case by case basis by the Operations Manager.	155	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.
2		79	Efforts will be made to reduce onerous requirements when a limiting health condition is obvious or when an applicant provides a doctor's certification of need for conditions which are not obvious.	156	Facilities or activities permitted under special provisions should be identified in a way that will set apart from other facilities or activities.
3		80	(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.	157	APPENDIX B TO § 327.30—APPLICATION FOR SHORELINE USE PERMIT [RESERVED]
4		81	(11) The term of a permit for vegetation modification will be for five years. Where possible, such permits will be consolidated with other shoreline management permits into a single permit. The district commander is authorized to issue vegetation modification permits of less than five years for onetime requests or to aid in the consolidation of shoreline management permits.	158	APPENDIX C TO § 327.30—SHORELINE USE PERMIT CONDITIONS
5		82	(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.	159	1. This permit is granted solely to the applicant for the purpose described on the attached permit.
6	(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.	83	(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.	160	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.
7		84	(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.	161	3. Ownership, construction, operation, use and maintenance of a permitted facility are subject to the Government's navigation servitude.
8		85	3. <i>Permit Revocation</i>	162	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.
9		86	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.	163	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.
10		87	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.	164	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.
11		88	4. <i>Removal of Facilities</i>	165	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.
12		89	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.	166	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
13		90	5. <i>Posting of Permit Number</i>	167	
14		91	Each district will procure 53-83 or larger printed permit tags of light metal or plastic for posting. The permit display tag shall be	168	
15	(3) No private floating facility will exceed the minimum size required to moor the owner 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.	92		169	
16		93		170	
17		94		171	
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22		99		176	
23	(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.	100		177	
24		101		178	
25		102		179	
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29		106		183	
30		107		184	
31		108		185	
32	(5) Procedures regarding permits for individual facilities shall also apply to permits for non-commercial group mooring facilities.	109		186	
33		110		187	
34		111		188	
35	(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.	112		189	
36		113		190	
37		114		191	
38		115		192	
39		116		193	
40		117		194	
41	(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.	118		195	
42		119		196	
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65		142		219	
66		143		220	
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69		146		223	
70	(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.	147		224	
71		148		225	
72		149		226	
73		150		227	
74	(9) The district commander or his/her authorized representative may place special conditions on the permit when deemed necessary. Requests for waivers of shoreline	151		228	
75		152		229	
76		153		230	
77		154		231	

1	of obtaining state or local assent required	72	repair or replacement shall be required when	143	cross the permittee's property, as necessary
2	by law for the construction, operation,	73	it or its flotation material no longer performs	144	to inspect facilities and/or activities under
3	use or maintenance of a permitted facility	74	its designated function or it fails to	145	permit.
4	and/or activity.	75	meet the specifications for which it was	146	25. When vegetation modification is allowed,
5	9. The permittee agrees to construct the	76	originally warranted.	147	the permittee will delineate the government
6	facility within the time limit agreed to on	77	15. Permitted facilities and activities are	148	property line in a clear, but unobtrusive
7	the permit issuance date. The permit shall	78	subject to periodic inspection by authorized	149	manner approved by the resource
8	become null and void if construction is not	79	Corps representatives. The resource manager	150	manager and in accordance with the project
9	completed within that period. Further, the	80	will notify the permittee of any deficiencies	151	Shoreline Management Plan.
10	permittee agrees to operate and maintain	81	and together establish a schedule for their	152	26. If the ownership of a permitted facility
11	any permitted facility and/or activity in a	82	correction. No deviation or changes from	153	is sold or transferred, the permittee or new
12	manner so as to provide safety, minimize	83	approved	154	owner will notify the Resource Manager of
13	any adverse impact on fish and wildlife habitat	84	plans will be allowed without prior	155	the action prior to finalization. The new
14	natural, environmental, or cultural resources	85	written approval of the resource manager.	156	owner must apply for a Shoreline Use Permit
15	values and in a manner so as to minimize	86	16. Floating facilities shall be securely attached	157	within 14 days or remove the facility and restore
16	the degradation of water quality.	87	to the shore in accordance with the	158	the use area within 30 days from the
17	10. The permittee shall remove a permitted	88	approved plans by means of moorings which	159	date of ownership transfer.
18	facility within 30 days, at his/her expense,	89	do not obstruct general public use of the	160	27. If permitted facilities are removed for
19	and restore the waterway and lands to a condition	90	shoreline or adversely affect the natural terrain	161	storage or extensive maintenance, the resource
20	accepted by the resource manager	91	or vegetation. Anchoring to vegetation	162	manager may require all portions of
21	upon termination or revocation of this permit	92	is prohibited.	163	the facility be removed from public property.
22	or if the permittee ceases to use, operate	93	17. The permit display tag shall be posted	164	APPENDIX D TO § 327.30—PERMIT [RESERVED]
23	or maintain a permitted facility and/or activity	94	on the permitted facility and/or on the land	165	[55 FR 30697, July 27, 1990, as amended at 57
24	If the permittee fails to comply to the	95	areas covered by the permit so that it can be	166	FR 21895, May 26, 1992; 57 FR 29220, July 1,
25	satisfaction of the resource manager, the district	96	visually checked with ease in accordance	167	1992; 63 FR 35828, July 1, 1998]
26	commander may remove the facility by	97	with instructions provided by the resource	168	EFFECTIVE DATE NOTE: The amendment to
27	contract or otherwise and the permittee	98	manager.	169	§ 327.30 revising the last sentence of paragraph
28	agrees to pay all costs incurred thereof.	99	18. No vegetation other than that prescribed	170	(k), published at 56 FR 29587, June 28,
29	11. The use of a permitted boat dock facility	100	in the permit will be damaged, destroyed	171	1991, was deferred indefinitely. See 56 FR
30	shall be limited to the mooring of the	101	or removed. No vegetation of any	172	49706, Oct. 1, 1991. The administrative
31	permittee's vessel or watercraft and the storage	102	kind will be planted, other than that specifically	173	charges contained in § 327.30, Shoreline
32	in enclosed locker facilities, of his/her	103	prescribed in the permit.	174	Management
33	gear essential to the operation of such vessel	104	19. No change in land form such as grading,	175	on Civil Works Projects, published
34	or watercraft.	105	excavation or filling is authorized by this	176	in the July 1, 1991 edition of the Code of Federal
35	12. Neither a permitted facility nor any	106	permit.	177	Regulations will remain in effect. Any
36	houseboat, cabin cruiser, or other vessel	107	20. This permit is non-transferable. Upon	178	future decisions affecting this regulation
37	moored thereto shall be used as a place of	108	the sale or other transfer of the permitted	179	will be published in the FEDERAL REGISTER
38	habitation or as a full or part-time residence	109	facility or the death of the permittee and	180	at a later date by the Corps of Engineers,
39	or in any manner which gives the appearance	110	his/her legal spouse, this permit is null and	181	Department
40	of converting the public property, on which	111	void.	182	of the Army. For the convenience
41	the facility is located, to private use.	112	21. By 30 days written notice, mailed to the	183	of the user, the rule published on June 28,
42	13. Facilities granted under this permit	113	permittee by certified letter, the district	184	1991, at FR page 29587, is set forth as follows:
43	will not be leased, rented, sub-let or provided	114	commander may revoke this permit whenever	185	§ 327.30 Shoreline Management on Civil
44	to others by any means of engaging in commercial	115	the public interest necessitates such	186	Works Projects.
45	activity(s) by the permittee or his/	116	revocation or when the permittee fails to	187	*****
46	her agent for monetary gain. This does not	117	comply with any permit condition or term.	188	(k) *** The Fee Schedule is published in
47	preclude the permittee from selling total	118	The revocation notice shall specify the reasons	189	§ 327.31.
48	ownership to the facility.	119	for such action. If the permittee requests	190	§ 327.31 Shoreline management fee
49	14. Floats and the flotation material for all	120	a hearing in writing to the district	191	schedule.
50	docks and boat mooring buoys shall be fabricated	121	commander through the resource manager	192	A charge will be made for Shoreline
51	of materials manufactured for marine	122	within the 30-day period, the district commander	193	Use Permits to help defray expenses
52	use. The float and its flotation material	123	shall grant such hearing at the earliest	194	associated
53	shall be 100% warranted for a minimum of 8	124	opportunity. In no event shall the hearing	195	with issuance and administration
54	years against sinking, becoming waterlogged,	125	date be more than 60 days from the date	196	of the permits. As permits become
55	cracking, peeling, fragmenting, or	126	of the hearing request. Following the hearing,	197	eligible for renewal after July 1, 1976, a
56	losing beads. All floats shall resist puncture	127	a written decision will be rendered and	198	charge of \$10 for each new permit and a
57	and penetration and shall not be subject to	128	a copy mailed to the permittee by certified	199	\$5 annual fee for inspection of floating
58	damage by animals under normal conditions	129	letter.	200	facilities will be made. There will be no
59	for the area. All floats and the flotation material	130	22. Notwithstanding the conditions cited in	201	annual inspection fee for permits for
60	used in them shall be fire resistant.	131	condition 21 above, if in the opinion of the	202	vegetative modification on Shoreline
61	Any float which is within 40 feet of a line	132	district commander, emergency circumstances	203	areas. In all cases the total administrative
62	carrying fuel shall be 100% impervious to	133	dictate otherwise, the district	204	charge will be collected initially
63	water and fuel. The use of new or recycled	134	commander may summarily revoke the permit	205	at the time of permit issuance rather
64	plastic or metal drums or non-compartmental	135	23. When vegetation modification on these	206	than on a piecemeal annual basis.
65	air containers for encasement or	136	lands is accomplished by chemical means,	207	[56 FR 61163, Dec. 2, 1991; 56 FR 65190, Dec. 16,
66	floats is prohibited. Existing floats are authorized	137	the program will be in accordance with	208	1991]
67	until it or its flotation material is	138	appropriate		
68	no longer serviceable, at which time it shall	139	Federal, state and local laws, rules		
69	be replaced with a float that meets the conditions	140	and regulations.		
70	listed above. For any floats installed	141	24. The resource manager or his/her authorized		
71	after the effective date of this specification,	142	representative shall be allowed to		

EXHIBIT B: PERMIT CONDITIONS

LAKE DARDANELLE SHORELINE USE PERMIT/LICENSE CONDITIONS

This Shoreline Use Permit//License is granted subject to the following conditions:

1. The permittee shall pay, in advance, to the United States, compensation in accordance with the fee schedule attached hereto as Exhibit B.
2. This permit/license is granted solely to the applicant for the purpose described on the attached permit/license. The exercise of the privileges herein granted shall be:
 - a. without cost or expense to the United States;
 - b. subject to the right of the United States to improve, use or maintain the premises.
 - c. subject to other outgrants of the United States on the premises.
 - d. personal to the permittee, and this Shoreline Use Permit/License, or any interest therein, may not be transferred or assigned. Upon the sale or other transfer of the permitted facility or the death of the permittee and his/her legal spouse, this permit/license is null and void.
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/license within 14 days or remove the facility and restore the use area within 30 days from the date of the ownership transfer.
4. Notices to be given pursuant to this Shoreline Use Permit/License shall be addressed, if to permittee, the same as recited on the Application for Shoreline Use Permit/License, and if to the United States, to **FAO, U.S. Army, Little Rock District** and delivered, **U.S. Army Corps of Engineers, 1598 Lock and Dam Road, Russellville, AR 72802**, or as may from time to time otherwise be directed by the parties. Notice shall be deemed to have been duly given if and when enclosed in a properly sealed envelope or wrapper addressed as aforesaid, and deposited postage prepaid in a post office regularly maintained by the United States Postal Service.
5. The construction, operation, maintenance, repair or replacement of said facilities shall be performed at no cost or expense to the United States and subject to the approval of the District Engineer, Little Rock District, Corps of Engineers, P.O. Box 867, Little Rock, AR 72203-0867, hereinafter referred to as, "said officer." Upon the completion of any of the above activities, the Permittee shall immediately restore the premises to the satisfaction of said officer. The use and occupation of the premises for the purposes herein granted shall be subject to the Government's navigation servitude, to rules published in Title.36, Code of Federal Regulations, Part 327, and to all applicable Federal, state and local laws and regulations.
6. Except as otherwise specifically provided, any reference herein to "Secretary," "District Engineer," "Installation Commander," "Resource Manager" or "said officer" shall include their duly authorized

representatives. Any reference to "grantee" or "permittee" shall include their duly authorized representatives.

7. The permittee acknowledges that he/she has inspected the premises, knows the condition, and understands that the same is granted without any representation or warranties whatsoever and without any obligation on the part of the United States. The permittee shall inspect the facilities at reasonable intervals and immediately repair any defects found by such inspection or when required by said officer to repair any such defects.
8. The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the exercise of the privileges herein granted, or for damages to the property or injuries to the person of the permittee's officers, agents, or employees or others who may be on the premises at the invitation of any one of them, and the permittee shall hold the United States harmless from any and all causes of action, suits at law or equity, claims or demands, or from any liability of any nature whatsoever for or on account of any damages to persons or property, construction or maintenance by the permittee of the permitted facilities and/or activities.
9. The permittee shall be responsible for any damage that may be caused to the property of the United States by the activities of the permittee under this Shoreline Use Permit/License and shall exercise due diligence in the protection of all property located on the premises against fire or damage from any and all other causes. Any property of the United States damaged or destroyed by the permittee incident to the exercise of the privileges herein granted shall be promptly repaired or replaced by the permittee to a condition satisfactory to said officer, or at the election of said officer, reimbursement made therefor by the permittee in an amount necessary to restore or replace the property to a condition satisfactory to said officer.
10. The right is reserved to the United States, its officers, agents, and employees to enter upon the premises at any time and for any purpose necessary or convenient in connection with government purposes, to make inspections, to remove timber or other material, except property of the permittee, to flood the premises, to manipulate the level of the lake or pool in any manner whatsoever and/or to make any other use of the lands as may be necessary in connection with government purposes, and the permittee shall have no claim for damages on account thereof against the United States or any officer, agent, or employee thereof. The authorized representative shall be allowed to cross the permittee's property, as necessary, to inspect facilities and/or activities under permit. 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.
11. This permit/license 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.

12. The permittee agrees to construct the facility within the time limit agreed to on the permit/license issuance date. The permit/license 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.
13. The permittee shall maintain, in a manner satisfactory to said officer, all soil and water conservation structures that may be in existence upon said premises at the beginning of or that may be constructed by the permittee during the term of this Shoreline Use Permit/License, and the permittee shall take appropriate measures to prevent or control soil erosion within the right-of-way herein granted. Any soil erosion occurring outside the premises resulting from the activities of the permittee shall be corrected by the permittee as directed by said officer.
14. 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 gear essential to the operation of such vessel or watercraft.
15. No attempt shall be made by the permittee to forbid the full and free use by the public of all navigable waters or public land at or adjacent to the approved facility. No charge may be made for use by others of the facility, nor shall commercial activities be conducted thereon.
16. Neither a permitted facility, any improvement authorized, 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 that gives the appearance of converting the public property on which the facility is located to private use. Household furnishings are not permitted on boat docks or other structures.
17. Facilities granted under this permit/license 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 of the facility.
18. Floats and the flotation material for all docks and boat mooring buoys shall be fabricated of materials manufactured for marine use. The float and its flotation material shall be 100% warranted for a minimum of 8 years against sinking, becoming waterlogged, cracking, peeling, fragmenting or losing beads. All floats shall resist puncture and penetration and shall not be subject to damage by animals under normal conditions for the area. All floats and the flotation material used in them shall be fire resistant. Any float which is within 40 feet of a line carrying fuel shall be 100% impervious to water and fuel. The use of new or recycled plastic or metal drums or non-compartmentalized air containers for encasement or floats is prohibited. Existing floats are authorized until it or its flotation material is no longer serviceable, at which time it shall be replaced with a float that meets the conditions listed above. For any floats installed after the effective date of this specification, repair or replacement shall be required when it or its flotation material no longer performs its designated function or it fails to

meet the specifications for which it was originally warranted. Adequate flotation must be provided to maintain the substructure a minimum of eight (8) inches above the water surface.

19. 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.
20. The permit/license display tag shall be posted on the permitted facility and/or on the land areas covered by the permit/license so that it can be visually checked with ease in accordance with instructions provided by the resource manager.
21. No vegetation other than that prescribed in the permit/license will be damaged, destroyed or removed. In no event will vegetation be disturbed to the extent the right-of-way will be subject to erosion or natural beauty destroyed. All disturbed areas shall be seeded, replanted, or given some type of equivalent protection against subsequent erosion. No change in landform such as grading, excavation or filling is authorized by this permit/license. No vegetation planting of any kind may be done, other than that specifically prescribed.
22. When vegetation modification is approved to be accomplished by chemical means, the program will be in accordance with appropriate Federal, state and local laws, rules and regulations. 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.
23. The permittee shall comply with all applicable Federal, state, county, municipal laws, ordinances and regulations wherein the premises are located, including, but not limited to, the provisions of the latest edition of the National Electrical Safety Code (NESC), Engineer Regulation 1110-2-4401, Clearances for Power and Communication Lines over Reservoirs, dated September 5, 1986, and the Environmental Protection Agency regulations on Polychlorinated Biphenyls (PCB's). Failure to abide by these applicable laws and regulations may be cause for revocation of the permit/license.
24. a. Within the limits of their respective legal powers, the parties hereto shall protect the premises against pollution of its air, ground, and water. The permittee shall promptly comply with any laws, regulations, conditions or instructions affecting the activity hereby authorized if and when issued by the Environmental Protection Agency, or any Federal, state, interstate or local governmental agency having jurisdiction to abate or prevent pollution. The disposal of any toxic or hazardous materials within the premises is strictly prohibited. Such regulations, conditions, or instructions in effect or prescribed by the said Environmental Protection Agency or any Federal, state, interstate or local governmental agency are hereby made a condition of this Shoreline Use Permit/License. The permittee shall not discharge waste or effluent from the premises in such a manner that the discharge will contaminate streams or other bodies of water or otherwise become a public nuisance.

b. The use of any pesticides or herbicides within the premises shall be in conformance with all applicable Federal, state and local laws and regulations. The permittee must obtain approval in writing from said officer before any pesticides or herbicides are applied to the premises.

c. The permittee will use all reasonable means available to protect the environment and natural resources, and where damage nonetheless occurs arising from the permittee's activities, the permittee shall be liable to restore the damaged resources.

25. The permittee shall not remove or disturb, or cause or permit to be removed or disturbed, any historical, archaeological, architectural or other cultural artifacts, relics, remains or objects of antiquity. In the event such items are discovered on the premises, the permittee shall immediately notify said officer and protect the site and material from further disturbance until said officer gives clearance to proceed.
26. If permitted facilities are removed for storage or extensive maintenance, the resource manager may require portions of the facility be removed from the public property.
27. 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/license or if the permittee ceases to use, operate or maintain a permitted facility 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. The permittee shall have no claim for damages against the United States for such action and no refund by the United States of any fee theretofore paid shall be made. ^{Exhibit C}
28. By 30 days written notice, mailed to the permittee by certified letter, the district commander may revoke this permit/license whenever the public interest necessitates such revocation or when the permittee fails to comply with any permit/license 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.
29. Notwithstanding the condition cited in condition 28 above, if in the opinion of the district commander, emergency circumstances dictate otherwise, the district commander may summarily revoke the permit./license.
30. The permittee shall not discriminate against any person or persons because of race, color, age, sex, handicap, national origin, or religion in the conduct of operations on the premises.
31. On or before the expiration or termination of this Shoreline Use Permit/License, the permittee shall, without expense to the United States, and within such time as said officer may indicate, remove said facilities and restore the premises to the satisfaction of said officer. In the event the permittee shall

fail to remove said facilities and restore the premises, the United States shall have the option to take over said facilities without compensation, or to remove said facilities and perform the restoration at the expense of the permittee, and the permittee shall have no claim for damages against the United States or its officers or agents for such action.

32. The permittee agrees that if subsequent operations by the United States require an alteration in the location of a permitted facility and/or activity and 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.
33. The United States 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/license.
34. This instrument is effective only insofar as the rights of the United States in the property are concerned, and the permittee shall obtain such permission as may be required on account of any other existing rights. It is understood that the granting of this Shoreline Use Permit/License does not eliminate the necessity of obtaining any Department of the Army permit which may be required pursuant to the provisions of Section 10 of the Rivers and Harbors Act of 3 March 1899 (30 Stat. 1151; 33 U.S.C. @ 403), Section 404 of the Clean Water Act (33 U.S.C. @ 1344) or any other permit or Shoreline Use Permit/License which may be required by Federal, state or local statute in connection with use of the premises.
35. The permittee shall take all necessary action and provide all necessary facilities to maintain the area in a clean and sanitary manner, removing promptly and regularly trash and garbage from the said area. Construction materials and refuse are to be removed from the premises immediately upon completion of construction.
36. If a water withdrawal system is authorized, the permittee shall register the taking of water from the reservoir with the appropriate state agency and shall save the United States harmless from any and all claims for damages by riparian owners arising out of taking water therefrom. Further, in the event of federal and/or state legislation providing for charges for the taking of water, the permittee agrees to enter into a water contract with the appropriate agency and pay such charges. It is understood and agreed that any water taken from the reservoir will not be used for human consumption or other domestic purposes, irrigation for the production of crops, or for a commercial purpose. The electrical system to the pump shall comply with the National Electrical Code.

THIS SHORELINE USE PERMIT/LICENSE is not subject to Title 10, United States Code, Section 2262, as amended.

EXHIBIT C: SHORELINE EROSION CONTROL

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

Permit Requirements

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

1. General.

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

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

2. Riprap.

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

b. Filter fabric should be used where appropriate.

4. Retaining Walls.

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

5. Construction.

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

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

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

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

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

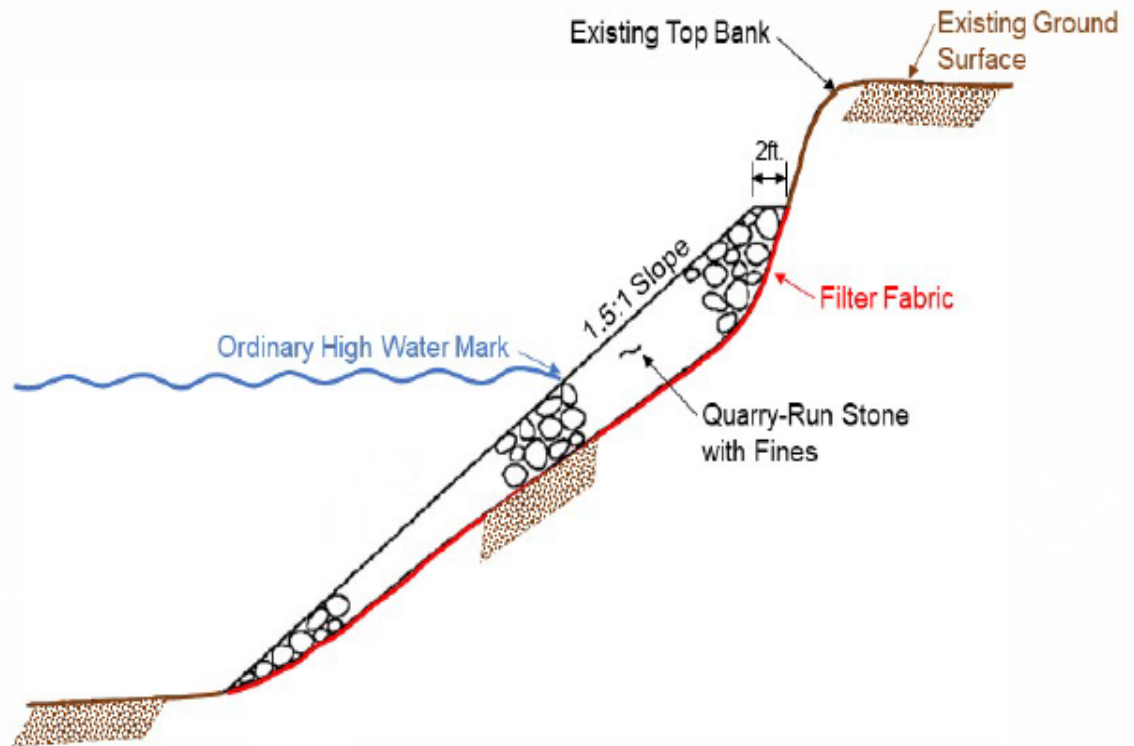
6. Special Conditions.

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

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

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

Plate 1 Typical Cross Section for Bank Stabilization



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