



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

Lake Dardanelle Shoreline Management Plan

June 2012

**ARKANSAS RIVER WATERSHED ARKANSAS
DARDANELLE DAM AND LAKE
DESIGN MEMORANDUM NO. 13-4**

**UPDATED MASTER PLAN FOR DEVELOPMENT AND MANAGEMENT
LAKE DARDANELLE
APPENDIX F
SHORELINE MANAGEMENT PLAN**

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SECTION I

INTRODUCTION

- 1-01 Purpose.** This Shoreline Management Plan establishes policy and furnishes guidelines for the protection and preservation of the desirable environmental characteristics of the Lake Dardanelle shoreline. The plan is formulated to achieve a balance between permitted private uses and resource protection for the general public use. The plan also considers means of restoration of the shoreline where degradation has occurred because of various reasons of private exclusive use.
- 1-02. Authorized Project Purposes.** Lake Dardanelle is an impoundment on the multiple-purpose McClellan-Kerr Arkansas River Navigation System. Hydroelectric power generation, navigation, recreation, bank stabilization, and enhancement of fish and wildlife resources are authorized project purposes.
- 1-03. Applicability.** This plan is applicable to all land and water areas on Lake Dardanelle. The plan has been developed exclusively for Lake Dardanelle.
- 1-04. Authority.** This plan was prepared in accordance with the requirements of 36 CFR 327.30 dated 1 July 2001 (Exhibit I), ER 1130-2-406 dated 31 October 1990, and SWLR 1130-2-48 dated 6 January 2003 and SWLR 1130-2-48C1 dated 21 June 2007 (Exhibit II).
- 1-05. References.**
- a. 36 CFR 327.30, dated 1 July 2001, Shoreline Management at Water Resources Development Projects Administered by the Chief of Engineers.
 - b. ER 1130-2-406, dated 31 October 1990, Shoreline Management at Civil Works Projects.
 - c. SWLR 1130-2-48, dated 6 January 2003 and SWLR 1130-2-48C1, dated 21 June 2007, Shoreline Management at Civil Works Projects.
- 1-06. Private Recreation Facilities.** Private recreation facilities as discussed in this plan include boat moorage facilities that include private and community boat docks.
- 1-07. Other Private Shoreline Uses.** Individuals may apply for permits to make minor alterations to vegetation around habitable structures for land-based private uses including vegetation modification for fire protection, footpath construction and maintenance, planting, and erosion control.
- 1-08. Natural Resources Mission Statement.** The US Army Corps of Engineers (USACE) is the steward of the lands and waters at USACE water resources projects. The Corps' Natural Resources Management Mission is to manage and conserve those natural resources, consistent with ecosystem management principles, while providing quality public outdoor recreation experiences to serve the needs of present and future generations. In all aspects of natural and cultural resources management, the USACE promotes awareness of environmental values and adheres to sound environmental stewardship, protection, compliance, and restoration practices. The USACE manages for long-term public access to, and the use of, the natural resources in cooperation with other federal, state, and local agencies as well as the private sector. The USACE integrates the management of diverse natural resource components such as fish, wildlife, forests, grasslands, soil, air, and water with

the provisions of public recreation opportunities. The USACE conserves natural resources and provides public recreation opportunities that contribute to the quality of American life.

- 1-09. Operational Management Plan.** Upon approval, this updated Appendix will become a part of the Updated Operational Management Plan for Lake Dardanelle.
- 1-10. Future Legislation, Regulations and Policies.** This plan will incorporate any future legislation, regulations, policies, etc., pertinent to US Army Corps of Engineers Civil Works projects and Lake Dardanelle. Changes of this type will be considered an administrative change and will be incorporated without additional review.

SECTION II

OBJECTIVES OF THE PLAN

- 2-01. General.** Experience has shown that management is necessary to prevent large sections and possibly all of the shoreline from becoming congested with private floating facilities and land based private uses thereby lost for public use and enjoyment. Management of all public lands and waters at Lake Dardanelle is necessary to provide opportunities for optimum recreational experiences for the maximum number of people and to assure the compatibility among the general, the environment and protection of project resources.
- a. The objectives of this plan are to manage and protect the shoreline, to establish and maintain acceptable fish and wildlife habitat, aesthetic quality and natural environmental conditions, and to promote the safe and healthful use of the lake and shoreline for recreational purposes by all citizens.
 - b. Boat owners will be encouraged to moor their boats at commercial marinas, utilize dry storage facilities off project lands, or trailer their boats to public launching ramps located within the Corps parks or to one of the launching complexes developed by the county, state, or city governments.
 - c. Activities associated with any vegetation modification on public lands require prior approval and a Shoreline Use Permit/License from the Operations Project Manager (OPM) at Lake Dardanelle.
- 2-02. Commercial Concessions.** Floating facilities used in connection with commercial concessions are not affected by the shoreline allocations presented in this plan. These commercial operations are effectively controlled under existing Real Estate regulations. The services and storage facilities provided by these commercial operations will reduce the need for numerous individually owned docks along the shoreline. There are presently three commercial concessions on the lake. They are
- a. Dardanelle Marina, located at the Dardanelle area of the Dardanelle State Park.
 - b. Russellville Marina, located at the Russellville area of the Dardanelle State Park.
 - c. Spadra Marina, located at Spadra Park.
- 2-03. 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 Permit/Licenses 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.

2-04. Private Exclusive Use. Definition: “Any action, within the context of this rule (36 CFR 327.30), which gives special privilege to a family household or group of family households on land or water at a Corps project, that precludes use of those lands or waters by the general public, is considered private exclusive shoreline use.” Ownership of private land does not convey any exclusive rights to the use of the adjoining public lands. It is the objective of this plan to control private exclusive use of public property to the degree necessary to gain maximum benefit for the general public. The issuance of a private Shoreline Use Permit/License does not convey any real estate, personal property rights, or exclusive use rights to the permit holder. The public’s right of access and their use of the permit area must be maintained and preserved.

2-05. Background.

- a. The initial Lakeshore Management Plan for Lake Dardanelle was approved by the District Engineer on 12 Jul 1973. The Division Commander approved the update of this plan on 6 November 1975. The next update occurred six years later in Jun of 1981. Since 1981 there have been four supplements to the plan. Three of the supplements added to the amount of shoreline that was allocated for the placement of private floating facilities and one supplement updated the Minimum Construction and Maintenance Requirements for Private Floating Facilities.
- b. 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 Project Office on 31 Aug 1995 to notify the public of the Shoreline Management Plan review. The Russellville Project Office evaluated 38 rezoning requests resulting in the approval of 27 requests. The plan was approved on 15 Dec 1995.
- c. In 2006, an administrative update was completed. At that time no allocation was reviewed or changed, as this requires public review.

2-06. Plan Conversion. Revision of 36 CFR 327.30 in 1990 required the Little Rock District to convert all project Lakeshore Management Plans, incorporating the new regulations, into 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, on 15 September 1992. This policy was developed following a series of public meetings with consideration of the written comments. The provisions of the finalized policy, SWLOM 1130-2-33, and the shoreline allocations contained in the June 1981 Updated Lakeshore Management Plan for Lake Dardanelle are a part of this Shoreline Management Plan.

2-07. Five-Year Review.

- a. Shoreline management plans will be reviewed periodically, but no less often than every five years, by the District Commander to determine the need for update. The plan may be supplemented more frequently should regulations, project operations, project conditions, or management objectives change significantly.

- b. No changes will be made to the shoreline allocations except throughout the formal update process which includes public participation and approval by the Division Commander. All requests for changes to the shoreline allocations will be received during the formal plan update. If a sufficient number of requests have been made, consideration will be given to initiating the formal update process.
- c. Boat dock rezoning requests for additional Limited Development Areas (LDA) will not be considered or accepted until all of the available LDA on Lake Dardanelle is utilized to the maximum extent as permitted by 327.30. These requests will only be considered or accepted during the formal update. Since Lake Dardanelle had previously accepted boat dock rezoning request prior to implementation of a revised district regulation SWLR 1130-2-48, Shoreline Management at Civil Works Projects, dated 6 January 2003, those requests on file before that date will be allowed to be evaluated at the next review.

SECTION III

WATER QUALITY

- 3-01. General.** Water quality management is a complex and challenging task due largely to the extensive and varied human activity both in and around the lake. The broad goal of this management responsibility is to promote water quality adequate for safe and healthy public use as well as conservation of wildlife, fish, and other beneficial aquatic life.
- 3-02. Water Intake Structures.** Currently, Entergy's Arkansas Nuclear One is the only commercial water customer. Clarksville Light and Water has a water intake for potable water use on the Arkansas River. The shoreline allocation around this area is designated as "Prohibited" and is shown in blue on the allocation maps.
- 3-03. Importance.** Lake Dardanelle continues to provide industrial water supply, aquatic habitat and recreational opportunities. Safeguarding the water quality of the lake is of utmost importance. The cooperation of all family households, federal, state, and local agencies is necessary in this effort.
- 3-04. Marine Sanitation Devices.**
- a. All permanently installed boat toilets must have a U.S. Coast Guard certified Marine Sanitation Devices (MSDs). The use for any type MSD other than a U.S. Coast guard approved "no discharge" type is prohibited.
 - b. The discharge of any type of effluent in the waters of Little Rock District lakes is prohibited.
 - c. Only approved marine pumpout locations may be used.

SECTION IV

DESCRIPTION OF THE SHORELINE

- 4-01. General.** 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, due to hydraulic influence of water movement, progressively towards the upper end of the lake up to 25-30 feet for short periods.
- 4-02. Land Acquisition.** There are 58,597 acres of land and water area on Lake Dardanelle. This includes 34,300 acres of water and 18,283 acres of government land above pool elevation of 338 MSL. Flowage easements have been acquired for 6,858 acres. There are 6,750 acres in the original river bed.
- a. Fee Land. The controlling upper elevation contour governing real estate acquisition in fee varies from elevation 341 MSL at Dardanelle Dam to elevation 360 MSL at Ozark Dam.
 - b. Flowage Easement Land. When land was purchased for Lake Dardanelle, the acquisition policy did not require the purchase of all the land subject to be flooded. Land that would be flooded infrequently and only at extremely high lake levels remained in private ownership but the government paid the original owner for flowage easement rights on that land. The flowage easement permanently grants to the government the right to flood the land periodically. Landowners must obtain approval for the placement of any structures or for any change in contour (fills or cuts) on flowage easement land. A more complete description of the rights granted under a flowage easement may be found in the landowner's property title or by inquiring at the Russellville Project Office. A request for "consent to easement" must be submitted to the Operations Project Manager prior to placing such structures as roads, buildings and electric service lines on a flowage easement tract. Structures for human habitation are not permitted on flowage easement lands with the exception of Arkansas Tech University (ATU) owned lands within the Prairie Creek Sump area. The lower elevation of flowage easements varies from elevation 341 MSL at Dardanelle Dam to elevation 365 MSL near Ozark Dam.
- 4-03. Shoreline/Boundary Line.** Measured at elevation 338.2 MSL, the shoreline has a total length of 315 miles. There are 343 miles of surveyed and monumented government boundary. Approximately six miles on the upper portion of the lake is bordered by private land. The boundary line is defined by surveyed monuments placed at ground level. The survey markers are 3-1/2 inch diameter, round, brass caps and are stamped to show the monument number, the year surveyed, and the agency Little Rock District, Corps of Engineers, U.S. Army. A five foot white, steel fence post is set approximately one foot from the survey marker or monument as an aid to location. The project boundary is a straight line between consecutively numbered survey markers. The elevation and distance between these surveys markers varies. Some trees along the boundary line are marked with a wide white band as an additional aid to location of the line. These trees, however, are usually off-line and only indicate that the line is nearby. Rangers from the Russellville Project Office will assist the public in the location of the boundary line.

- 4-04. Surrounding Development.** There are four towns located in the immediate vicinity of Lake Dardanelle. These are Russellville (pop. 27,588), Dardanelle (pop. 4,516), Clarksville (pop. 8,731), and Paris (pop. 3,565) updated from 2009 census data. Smaller communities located around the lake include Delaware, New Blaine, Scranton, Coal Hill, Hartman, Lamar, Knoxville and London. Increasing development (and potential development) around the lake is found in the more remote areas where individuals have constructed weekend/retreat type homes and cabins.
- 4-05. Existing Access.** The waters of Lake Dardanelle are easily accessible to recreational boaters and the adjoining property owners alike. In addition to pedestrian access, 28 boat launching ramps are used by residents and sportsmen for water access. A portion of these ramps contain multiple lanes. Thirteen of these launching ramps are outgranted to State, County or local governmental agencies. Outgrants for launching ramps will only be issued to entities that can provide long term maintenance and operation of the improvement. Roads which are not maintained, outgranted or used by the Corps, or are not dedicated as public roads by a governmental entity, are not allowed. These roads will be closed, obliterated and revegetated to blend with the natural environment.
- 4-06. Prior Commitment.** Private boat docks and limited private uses of the shoreline have been permitted on Lake Dardanelle since impoundment began. The numbers of private boat docks and land base permits have continued to increase on the lake. There are 9 boat docks that are considered grandfathered, private floating facilities moored in areas where allocations made by this plan do not allow docks. All grandfathered boat docks will be managed in accordance with SWLR 1130-2-48, dated 6 January 2003, Appendix H. All grandfathered permits are listed in Exhibit III.
- 4-07. Historical/Archeological/Cultural.** The US Army Corps of Engineers is charged by law (P.L. 96-515 Section 110) and regulation ER 1130-2-540 with the responsibility and efficient management of all Historic Properties on lands under its control. ER 1130-2-540 defines the term “Historic Properties” as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.
- 4-08. Indian Lands.** There are no Indian lands within the boundaries of Lake Dardanelle.
- 4-09. Proprietary Jurisdiction.** No other Federal agencies have jurisdiction over administration of the shoreline covered by this plan. All Federal, state, and local laws and regulations remain in full force on Lake Dardanelle.

SECTION V

SHORELINE ALLOCATIONS

- 5-01. General.** Increased development of adjoining private land increases the demand for private floating facilities, vegetation modification and other land uses. It is readily apparent that a plan for systematic development of the shoreline is essential. Listed below are some of the reasons the shoreline is allocated into different categories.
- a. To maintain a balance between permitted land uses and a natural unaltered shoreline for the general public.
 - b. To preserve fish and wildlife habitat.
 - c. To allow controlled access to the lake.
 - d. To prevent the shoreline from becoming congested with boat docks.
 - e. To allow limited activities while preventing the appearance of converting public property to private use which would hinder the free use of the land by the public.
- 5-02. Allocations.** A comprehensive study of the entire shoreline, involving public participation, resulted in development of a shoreline management plan for Lake Dardanelle which establishes the following shoreline allocations:
- a. Limited Development Areas. Approximately 19 miles of shoreline is allocated for limited development. These areas are shown in red on the shoreline allocation maps. Private floating facilities, tramways, pathways, and vegetation modification are permitted only within this shoreline allocation. Location on the lake, fluctuation of water level, and other criteria will be the determining factors in approval or disapproval of a request within limited development areas. Designation as a limited development area does not guarantee the approval of dock placement, nor that adequate water depth is available at all times.
 - b. Public Recreation Areas. Approximately 31 miles of the shoreline is allocated for parks and buffer areas. These areas are shown in gray and their adjacent buffer areas are shown in green on the shoreline allocation maps. Private floating facilities, resort docking facilities, modification of the land form, or vegetation modification activities are not permitted within or adjacent to developed or future park areas. Commercial boat docks and concessions are permitted in public recreation area allocations.
 - c. Protected Shoreline Areas. Approximately 293 miles of the shoreline is allocated for protected areas. These areas were designated to protect aesthetic, environmental, and fish and wildlife values. Private floating facilities and tramways are not permitted in protected shoreline areas. This shoreline allocation is sub-divided into categories that allow differing activities. These areas are explained below.
 - (1) Scenic. These areas are shown in orange on the master shoreline allocation maps maintained in the Russellville Project Office. After consideration of the effects on the environmental and physical characteristics of an area, it was determined that these specific reaches of the shoreline necessitated protection from disturbance to preserve their unique aesthetic

quality. No vegetation modification, excluding a six feet wide meandering pathway is allowed in these aesthetically rich and ecologically important areas. Activities requiring a real estate instrument or regulatory permit must be reviewed, and approved only if the aesthetic qualities will not be degraded by the requested activity.

(2) Navigation Channel. These areas are shown in brown on the master shoreline allocation maps maintained in the Russellville Project Office. This shoreline area has been so designated to protect the navigation channel and associated bank stabilization structures from obstructions. Vegetation modification is allowed after consideration of the effects on the environmental and physical characteristics of the area.

(3) Natural. These areas are not designated with a color on the shoreline allocation maps. This shoreline area was designated to allow for natural areas interspersed among limited development areas. Areas designated natural are also protected because of land management practices for large tracts of land. Vegetative modification permits can be issued in this allocation.

d. Prohibited Access Areas. These areas are shown in blue on the shoreline allocation maps. Shoreline Use Permit/Licenses will not be issued in Prohibited Access Areas. These areas typically include hazardous zones near dams, hydroelectric power stations, or water intake structures. Public access can be restricted for health, safety, or security reasons.

e. Other Areas. Private floating facilities will be discouraged in other areas that have been developed or have potential as port, commercial, or industrial areas.

5-03. Shoreline Allocation Maps. A master map of the shoreline can be viewed at the US Army Corps of Engineers Russellville Project Office located in Russellville, Arkansas. This “official” map gives specific limits of all allocations and shows the sub-categories within the protected shoreline areas, i.e. scenic, navigation, natural, etc. All limits of shoreline zoning on Lake Dardanelle are identified and established so as to utilize US Army Corps of Engineers boundary survey monuments as permanent reference points. If zone limits fall within a survey course between survey monuments, the exact distance in feet from the closest monument is identified. This data was necessary to establish exact locations of zoning limits for clarification of shoreline zoning maps and in-the-field identification problems. The criteria utilized, i.e. survey monuments as opposed to other reference points, were chosen due to the relative permanence of survey monuments and the ability to accurately re-establish disturbed monuments.

SUMMARY OF SHORELINE ALLOCATIONS

Area	Miles	Percent
Limited Development Areas	19	6
Public Recreation Areas	31	9
Protected Areas	293	85
Scenic	40	12
Navigation Channel	30	9
Natural	223	64
Prohibited Access	>1	>1
Other	>1	>1

- a. Advancements in GIS and Orthophoto technology led to Project staff awareness of several areas within Limited Development Zones where the distance from the boundary line to the shoreline is greater than the allowed 200' maximum, as stated in the Shoreline Management Plan. A technical analysis using Geographical Information System (GIS) technology was conducted in February 2010 that indicates 25% (4.8 miles) of the Limited Development Areas will not support the above mentioned criteria. Maps of the areas described above are located in Exhibit IV.
- b. Additionally, a density analysis was conducted to identify which zones meet or exceed the maximum density of development in LDA Zones. Only community docks will be permitted in these zones, as identified in Exhibit V.

SECTION VI

PRIVATE FLOATING FACILITIES AND CONDITIONS

6-01. Private Floating Facilities. Private floating facilities as discussed in this plan include boat moorage facilities, ski jumps, mooring buoys and other private floating facilities. 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. The following guidance is provided to assure the most effective use of the limited amount of shoreline set aside for the mooring of private floating facilities and other private shoreline uses.

- a. All United States citizens have an equal opportunity to moor a dock in a limited development area provided the area has not reached the maximum density of development. The density of development for private floating facilities and tramways will not exceed 50 percent of the shoreline allocated for limited development when the lake level is at the top of the hydropower pool (338 MSL). Density will be determined by measuring linear feet of shoreline in the zone and comparing it to the width of the facilities in the water plus associated moorage arrangements (anchorage) which restrict the full unobstructed use of that portion of the shoreline and the 100' spacing between docks. The Operations Project Manager will assess conditions and consider designating the zone for community docks only when the number of docks in a given zone reaches 50 percent of the estimated capacity of that zone (at conservation pool elevation) or when development and/or growth patterns indicate high demand potential for mooring facilities.
- b. All owners of a floating facility must have legal access to government land that support the facility. The applicant must have legal access to the shoreline either by public road, ownership of adjoining property or legal right of access across adjoining property. In the event that the individual(s) do not own the land adjacent to the facility, then a legal recorded lease or easement or other legal binding document for the access must be provided that allows all current and any future owners of the dock the right of ingress and egress, for at least the duration in which the facility is present. Access across public land will be limited to pedestrian traffic only. Legal access to the shoreline is considered to be within 200 feet of the location of the facility. If flowage easement is involved, the owners of the facility must own the flowage easement land or have legal access for all co-owners.
- c. The applicant for a boat dock must own a boat and prove ownership by providing a current copy of their state boat registration before a site approval inspection will be conducted on Lake Dardanelle, to support the need for mooring space. The mooring location for a boat dock must be approved by the Operations Project Manager prior to construction.
- d. 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.
- e. A family household may have a maximum of two slips in any dock and may not own an interest in more than one boat dock facility. A family household is defined as individuals living at the same address. A family household may have only one of the five following items:
 - (1) A permit for a private floating facility (maximum two slips).
 - (2) Ownership of slips (maximum two slips) in a community dock.

- (3) A permit for a mooring buoy.
 - (4) A Real Estate license for a tramway or tramway (under 18') permitted by Shoreline Use Permit/License.
 - (5) A Real Estate outgrant for an embayment.
- f. Docks may not extend out from the shore more than one-third of the cove width at seasonal conservation pool level.
 - g. Personal watercraft (PWC's) or jet skis are classified as vessels under State law, and will be considered a vessel that can be moored in a boat dock. PWC may be moored between the dock structure and the shoreline without counting against the slip total for the permittee. PWC lifts and ride-on moorage devices shall be attached to the leeward (adjacent to the shoreline) side of the dock.
 - h. Houseboats/vessels with marine sanitation devices (MSD) must be moored at commercial marinas. (MSD's have been required for vessels with installed toilets since 1980).
 - i. The installation of accommodations and facilities conducive to human habitation is prohibited.
 - j. The storage (over 24 hours) of equipment, improvements, or other personal property on docks is prohibited. This includes, but is not limited to sinks, refrigerators, patio furniture, chairs, or other similar items.

6-02. Design of Private Floating Facilities.

- a. General.
 - (1) All Private floating facilities will be designed and constructed in accordance with plans and specifications listed in SWLR 1130-2-48, Minimum Construction and Maintenance Requirements for Private Floating Facilities, Appendix F. Two sets of plans that have been stamped and signed by a registered Professional Engineer must be submitted to Operations Project Manager, Russellville Project Office, 1598 Lock and Dam Road, Russellville, Arkansas 72802. These plans must be approved in writing by the Operations Project Manager along with the Shoreline Use Permit/License prior to commencement of the work. The private floating facility must be installed and constructed within one-year from the date of approval or the request is considered void.
 - (2) The use of private floating facilities will be limited to the mooring of vessels approved by the Operations Project Manager that are owned by and registered to the permittee (or member in the case of community docks). A dock owner may have no more approved vessels moored at the dock than the number of slips authorized. The vessels will be moored within an approved stall/slip or other designated mooring point.
 - (3) The Operations Project Manager will approve (new requests and modifications) the size, configuration, and type of anchoring system of the dock for functional and overview purposes. The registered Professional Engineer's endorsement of the plans will ensure the analysis of the dock design is structurally sound and compliant with current guidelines. The maximum size of private floating facilities will be 20 slips for safety reasons and to assure maneuverability of the dock during periods of pool fluctuation. The maximum slip size in any dock shall not exceed 14 feet in width by 30 feet in length.

- (4) Docks must be constructed with open sides.
 - (5) Docks will be spaced a minimum of 100 feet apart. The placement of the dock should not be made that would produce a electrical cross-over situation; meaning that an applicant's facilities (including electric service and anchor cables) should not go beyond existing neighboring facilities.
 - (6) Where it is applicable, electrical certification is also required. A registered electrical engineer, licensed electrician or electrical contractor must certify the electric service conforms to the National Electric Code. Additional guidance is contained in SWLR 1130-2-48, Certificate of Electrical Inspection, Appendix D and Appendix F.
 - (7) Upper decks are prohibited on private floating facilities. Single pier docks cannot have roofs.
 - (8) Walkways should be a minimum length necessary to obtain adequate water depth, but will not exceed 50 feet.
 - (9) Existing docks with extensions or sunbathing decks will be grandfathered and reissued until the dock requires major reconstruction or is moved to a different location.
 - (10) The Operations Project Manager will have the final determination whether docks are moored perpendicular or parallel to the shoreline.
 - (11) Flotation for private/community boat docks on Lake Dardanelle must conform to specifications listed in 36 CFR 327.30 and SWLR 1130-2-48, Appendix F. All new and replacement private floating facilities are required to use encapsulated flotation. Flotation may not be stacked under the dock structure. The substructure of any private dock must be at least 8 inches above the water surface.
- b. Community Boat Docks. The Little Rock District encourages the use of community boat docks as a means of limiting the proliferation of family household docks on the project. The following items will be considered when granting permits for community boat docks:
- (1) The Shoreline Use Permit/License for a community dock will be issued to the person designated in an association agreement, or similar document, as the authorized representative for the slip owners in the dock. The Operations Project Manager will assess conditions and consider designating a zone for community docks when the number of docks in a given zone reaches 50 percent of the estimated capacity of that zone (at hydropower pool elevation). This will also be done when development and/or growth patterns indicate high demand potential for mooring facilities in a specific area. In an attempt to accommodate as many adjacent lot owners as possible without jeopardizing the shoreline, the Operations Project Manager may designate;
 - (a) that specific portion of the shoreline,
 - (b) that specific individual dock request, or
 - (c) the remaining unoccupied shoreline in that zone for community docks only. Under item 'b' above an applicant may be required to allow others to add stalls to the dock in the future as requests are received and approved by the Operations Project

Manager. Compatibility of existing docks, access, parking, and adjacent subdivision configurations will be considered before designating a zone for community docks only.

(2) A Shoreline Use Permit/License for a community dock does not give the members any exclusive rights with regard to the use of public land. The permit does not give the owners the right to remove vegetation, construct breakwaters, install buoys to restrict the speed of passing boats, construct roads, or parking areas on public lands.

(3) Requests to expand a community dock will be subject to prior approval by the other owners with an interest in the dock and the Operations Project Manager.

c. Mooring Buoys. Placement of mooring buoys will be subject to the same shoreline allocations and permit procedures as other private floating facilities. The mooring buoy, mooring line and the vessel anchored must not interfere with navigation, obstruct more than one third the width of the cove, or present a hazard to boaters during the hours of darkness. See Exhibit VI for general mooring buoy requirements.

6-03. Existing Docks under Permit. Existing docks may be sold and remain at their presently approved location provided the new owner has legal access, or they may be relocated to any of the limited development areas on the lake, upon 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 commercial facilities nearby. Requests to expand the size of existing docks will be subject to prior approval of the Operations Project Manager, and require registered Professional Engineer stamped plans showing the entire dock with modifications will meet or exceed the Minimum Construction and Maintenance Requirements. Renewal of existing docks that have been approved on the lake prior to the requirement for registered Professional Engineers signature and stamp must meet the current Minimum Construction and Maintenance Requirements with the exception of the registered Professional Engineered stamp/signature unless major structural changes are required.

6-04. Facilities Existing Under Special Condition (Grandfathered).

a. Existing private floating facilities moored in areas where allocations made by this plan do not allow docks, will be permitted to remain in their present locations providing the structures are maintained to the following guidelines (Section 1134 (d) of P.L. 99-662):

b. On and after 31 December 1989, no houseboat, boathouse, floating cabin, sleeping facilities at marinas, or lawfully installed dock or appurtenant structures shall be required to be removed from any Federal water resources reservoir or lake project administered by the Secretary on which it was located on the date of enactment of this act, if:

(1) such property is maintained in usable and safe condition,

(2) such property does not occasion a threat to life or property, and

(3) the holder of the lease, permit or license is in substantial compliance with the existing lease or license, except where necessary for immediate use for public purposes or higher public use or for a navigation or flood control project.

c. Additional guidance on the management of grandfathered docks can be referenced in SWLR 1130-2-48, Appendix H. (See Exhibit III for a list of grandfathered docks).

6-05. Tramways. Due to the minimal water fluctuation on the lower end of Lake Dardanelle individuals have been able to construct simple, boat length tramways on the shoreline. These tramways are limited to no longer than 18 feet in length and will be permissible under the Shoreline Use Permit/License program. All other tramways that are more than 18 feet in length must be evaluated by Real Estate Branch personnel and if approved will be covered under a license which will not exceed five years. Any tramway that requires electrical service will be evaluated by Real Estate Branch.

Listed below are requirements that must be followed when constructing any length tramway, additional conditions can be added:

- a. Cuts, fills, or other alteration to the land form will be discouraged and decided on a case-by-case basis.
- b. Tramways should not restrict pedestrian foot traffic along the shoreline.
- c. All construction materials should blend in with the natural terrain.

Tramways will only be allowed in areas allocated for limited development areas. Tramways will not be allowed in areas of known or potential archeological significance or at sites where natural rock outcroppings or other geological formations would have to be removed or significantly altered. Tramways are governed by density requirements the same as private floating facilities.

SECTION VII

OTHER SHORELINE USES

7-01. Private Use of the Shoreline. Adjacent landowners must obtain a Shoreline Use Permit/License from the Operations Project Manager prior to removing vegetation, planting native trees or shrubs, underbrushing, mowing or making any other alterations to public lands. Shoreline Use Permit/Licenses will not be granted to individuals for use of lands allocated as public recreation areas, including their buffers, or lands allocated as prohibited access areas. Restoration of the shoreline where degradation has occurred because of private exclusive use will be accomplished through a cooperative effort of the adjacent landowner and the appropriate local, state and federal agencies.

7-02. Vegetation Modification Permits.

- a. General. Vegetation modification is allowed for fire protection purposes, meandering access paths, and planting or landscaping for wildlife, conservation, or the prevention of erosion. Exhibit VII and VIII, Shoreline Allocations, describes the areas where vegetation modification permits are permissible. Additional guidance is located in SWLR 1130-2-48, Appendix C.
- b. Leases. In some instances vegetative modification is requested in land areas that are under lease for agricultural and grazing purposes, corridor access, or other similar purposes. In these areas consideration will be given to the effects of the requested vegetative modification on the leased area. If the Operations Project Manager determines that vegetation modification will be a detriment to the lease then the request will be denied (even if the area is allocated for vegetative modification). The existence of a Real Estate outgrant is a higher priority use of the land and can preclude the issuance of a Shoreline Use Permit/License. Planting/landscaping permits will be decided on a case-by-case basis and can be considered in all shoreline allocations. The decision to issue the planting/landscaping permit on shorelines not allocated for vegetation modification will be to the discretion of the Operations Project Manager. All vegetation modification permits are subject to the following requirements:
 - (1) Only hand operated tools and noncommercial lawn mowers may be used on government land. The use of heavy equipment such as tractors and bulldozers is not permitted.
 - (2) The permittee may only cut dead or diseased trees previously inspected and marked by the Operations Project Manager. Permission will only be given for cutting trees that pose a hazard to private property (homes, outbuildings, boat docks), or which are near areas of pedestrian traffic (permitted access paths). Felled tree shall remain on project lands for wildlife habitat unless approved for removal by the Operations Project Manager. Otherwise, dying or dead trees in non-traffic areas will be left standing to provide den and insect feeding trees for birds and other wildlife.
 - (3) No flowering trees or shrubs, such as dogwood, redbud, or serviceberry may be removed, regardless of their size.
 - (4) Trees, shrubs or underbrush larger than 2 inches in diameter (measured at 4.5' above ground level) may not be removed. In certain cases, the Operations Project Manager may restrict the cutting of trees less than 2 inches in diameter if it is determined that it would create an erosion problem or similar adverse impact. Seedlings may be protected for assure future regeneration of canopy trees.

- (5) Burning on government land is not permitted.
- (6) Trimming, cutting, limbing, or topping of trees is prohibited.
- (7) Removal of aquatic vegetation is prohibited, except in the immediate area of a dock, tramway, or mooring buoy.

7-03. Other Permitted Uses. Additional requirements are discussed for the following specific activities.

- a. Fire Protection Permits. Mowing and/or underbrushing are allowed for fire protection purposes. The limits of this mowing/underbrushing will be dependent on the proximity of the privately owned dwelling. A maximum mowed radius of 200 feet from the foundation of the habitable structure is considered adequate for fire protection. In cases where trailers (modular homes) are used a degree of permanency will be determined. Connection with operable meter to available utilities (water, electric, gas, telephone, sewer, or septic system), decks, and underpinning, along with removal of wheels, axles, and trailer tongue are related features that will be considered. Also a person must be able to live, eat, sleep, utilize restroom facilities, and cook inside the structure. The structure must have a foundation, either piers, or slab. Outbuildings, barns, detached garages, recreational vehicles (RV) or 'vacant lots' will not be considered in the permit process. The actual limits of vegetation modification in each case will be determined by the Operations Project Manager, or his representative, and defined on the Shoreline Use Permit/License. The 200 feet limit includes the private property between the house and the government boundary and the area of government land inside this 200 feet radius. Additional guidance is located in SWLR 1130-2-48, Appendix C.
- b. Access Footpath Permits. Mowing and/or underbrushing for a pedestrian access footpath can be permitted. Paths must not exceed six feet in width, measured at their widest point(s) and must follow a meandering route to prevent erosion and to minimize the need for removal of vegetation larger than 2 inches in diameter. Access footpaths permitted in shoreline areas allocated 'scenic' must meander at least every 25 feet to prevent straight lines - of - sight. This is necessary to help preserve the natural, undisturbed, scenic beauty of the area. This permit does not convey the right to construct any structure (steps, bridges, handrails, etc) in connection with the footpath. If structures of this nature are proposed, a Real Estate instrument must be requested and acquired. No vehicle traffic is permitted on this access path. All requests that include the use of natural materials to prevent and control erosion on a footpath must be submitted with a detailed and well described plan. Work may only commence after approval in writing is received from the Operations Project Manager to the permittee. No landscaping materials, such as edging, raised beds, bird baths, or other personal property will be allowed on the footpath.
- c. Planting/Landscaping Permits. All requests for planting/landscaping permits must be submitted with a detailed and well described landscape plan. The plan will provide for better management of the area for the enhancement of wildlife, preservation of the natural aesthetics, and prevention of erosion. All plantings must be of species which are native to the area. Trees of Arkansas, by Dwight Moore and Trees, Shrubs, and Vines of Arkansas by Carl Hunter are excellent texts which describe species native to Arkansas. Project staff will have the final discretion as to which species will be permissible in the Lake Dardanelle area. No landscaping materials, such as edging, lawn irrigation systems, raised beds, bird baths, or other personal property will be allowed on public property. The placement of sod will only be in connection with erosion control practices and will be detailed on the permittee's request. Sod cannot be

installed to extend private yards which would create the appearance of private exclusive use. Any practices that change the natural appearance of vegetation on public lands to appear like an extension of private property is not authorized.

- d. Erosion Control Permits. All erosion control measures must be in accordance U.S. Army Corps of Engineers policy and the guidance as contained in SWLR 1130-2-48, Shoreline Erosion Control, Appendix J.
- e. Existing Vegetation Modification Permits. Instances where permits have been issued in areas not authorized for vegetation modification will be grandfathered. These permits also can be transferred to new owners. New requests in areas adjacent to the existing permitted areas will not be approved. If the subject area is left unmaintained while permitted for an extended period of time (usually one year), a future permit will not be issued.

7-04. Community Access Areas. Certain reaches of the shoreline are popular for public use or have potential for public use. Many of these areas are maintained by the adjacent landowners, interested groups, or individuals under the Shoreline Stewardship Program. Maintenance can include mowing/underbrushing, erosion control, litter pickup, installation of vehicle barricades, or other related activities that promote and control public use of a specific area. All areas must be posted and have public access. These areas are set aside for the best interest of the general public. The permitted activities should in no manner benefit or give special privileges to any adjacent landowner or restricted group. The existing, designated Shoreline Stewardship Areas in effect at the writing of this plan are listed below:

SHORELINE STEWARDSHIP AREAS	LAKE DARDANELLE
Area	Individual or Group
Jenkins Hwy 22 Fishing Area	Royce Jenkins
Schulte Cove Fishing Area	Shoal Bay West
Crawford Street Bridge Fishing Area	City of Clarksville
Chimney Cliff Access Area	Steve Kasay

7-05. Duck Blinds. A permit is not required of those who hunt from the concealment of natural shoreline vegetation or portable blinds placed and removed on a daily basis. Arkansas State Game and Fish Commission regulations state that it is unlawful to build or erect permanent duck blinds on any wildlife management area. All the government real estate bordering Lake Dardanelle is the Dardanelle Wildlife Management Area, therefore permanent duck blinds are not allowed on Lake Dardanelle land and water areas. 'Permanent' in this aspect, is any structure being fabricated from metal, lumber, wire, nylon and other identifiable building materials that is not removed or torn down each day at the end of the hunt or at the end of shooting hours.

7-06. Request for Waiver of Provisions.

- a. This plan is subject to Federal laws and regulations requiring reasonable accommodations for people with qualifying disabilities. A request to waive any provision for the purpose of accommodating a person with a disability or limiting health condition should be forwarded in writing to:

Operations Project Manager, Russellville Project Office
U.S. Army Corps of Engineers
1598 Lock and Dam Road
Russellville, AR 72802-8462

- b. The Operations Project Manager will review waiver requests on a case-by-case basis. The request should fully explain the disability or limiting health condition, the family household and local situation, and the specifics of the waiver, accompanied by supporting documentation (letter, copies of handicapped parking placards, doctor's letters, maps, diagrams, etc.)

7-07. Appeals Process. Appeals may be made in accordance with SWLR 1130-2-48, Shoreline Management Plans, Reviews and Revisions, Appendix E.

SECTION VIII

SHORELINE USE PERMIT/LICENSE GUIDELINES

- 8-01. General.** Reference Shoreline Management at Civil Works Projects, SWLR 1130-2-48, dated 21 June 2007 for additional guidance for Shoreline Use Permit/Licenses.
- 8-02. Permits, Where Required.** Revocable Shoreline Use Permits/License may be granted for private floating facilities, tramways, vegetation modification (meandering footpath and fire protection only), community access areas, ski areas, and other related activities that conform to this plan and the project Master Plan.
- 8-03. Permits, Authority to Issue.** The Operations Project Manager is authorized to issue Shoreline Use Permit/Licenses. ENG Form 4264-R, or computer generated ENG Form 4264-R-E, Application for Shoreline Use Permit/License. Additional conditions, consistent with this plan, can be added by the Operations Project Manager on a case-by-case basis. No activity, such as mowing, underbrushing, or construction can commence until the applicant has received written approval from the Operations Project Manager.
- 8-04. Administrative and Inspection Charges.** A charge will be made for Shoreline Use Permit/Licenses to help defray expenses associated with administration and inspection of the permits. The administrative charge, and annual inspection fees for private floating facilities and under 18 feet tramways, will be collected at the time of permit issuance. There will be no annual inspection fee for vegetation modification permits. No charge will be made for planting/landscaping, erosion control, or community access area permits (Shoreline Stewardship Areas). These activities are considered beneficial to government lands. Real Estate amenities may be consolidated with the Shoreline Use Permit/License, and fees will be charged accordingly. Charges currently in effect are subject to change in future years.
- 8-05. Permit Term.** Shoreline Use Permit/Licenses are issued for a period of time not to exceed five years. In some instances permits will be issued for lesser periods of time to accommodate consolidation of Real Estate amenities. Potential buyers of adjacent property or new owners should not assume that a new permit will automatically be issued. Also, if a new permit is issued, it should not be assumed that it will contain the same limitations as previous permits. It is recommended that potential buyers of private property contact the Russellville Project Office to clarify permit requirements for the adjacent government property.
- 8-06. Posting and Delineating the Permit Area.** Two white plastic permit tags, approximately 6" x 8" in size, bearing the permit number and expiration date will be furnished with each permit issued for floating facilities. These tags will be posted on the floating facility on the water side and on the land side so they will be clearly visible. Land based permits will be posted according to instructions provided by the Operations Project Manager. Facilities and activities permitted under special conditions, such as grandfathering, will be identified by using green permit tags or with an "X" preceding the permit number to make them readily identifiable. Condition 25 of the Shoreline Use Permit/License requires all permittee's who perform vegetative modification to delineate the government boundary line in an unobtrusive manner. The entire Lake Dardanelle boundary line has been surveyed and monumented by the US Army Corps of Engineers. This boundary line delineation will suffice for the requirements of condition 25 of the Shoreline Use Permit/License.

Where permittee's have continually mowed beyond the permitted radius, carsonite posts stating, "No Mowing/Underbrushing Beyond This Point" will be used to mark the radius of the permit area to permanently stop the unauthorized mowing. If posts are removed and/or mowing violations continue, the permit will be terminated.

8-07. Collection of Fees. Payment may be made by check (personal, certified, cashiers, etc.) or money order made payable to "FAO, SWL". Payment may also be made in cash. Cash collections will be acknowledged by issuance of a receipt or SF Form 1165. Fees will be collected by employees for remittance to the USACE Finance Center, Millington, TN.

a. Renewal Procedures. When a Shoreline Use Permit/License is renewed in the name of the present owner, the applicant will receive the following:

(1) Month of expiration sticker (two copies).

(2) Year of expiration sticker (two copies).

(3) Signed copy of the permit, ENG 4624-R, including a statement of the amount paid.

b. ENG 4624-R. The permit will be prepared in duplicate. The copy will be sent to the permittee and the original will be kept on file in the Russellville Project Office.

8-08. Refund of Fees. Fees for Shoreline Use Permit/Licenses are non-refundable.

8-09. Termination of Permits. Authority to revoke Shoreline Use Permit/Licenses 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, or ER 1130-2-406. Conditions must be carefully and completely documented with copies of certified correspondence to the permittee, dated photographs and detailed inspection reports when recommending permit revocation to the District Engineer. The permittee notification process is outlined in permit condition 21. Termination of Shoreline Use Permit/Licenses (ENG Form 4262-R) for floating facilities shall follow the guidelines established in Title 36.

SECTION IX

PERMITS

- 9-01. Shoreline Use Permit/Licenses.** Shoreline Use Permit/Licenses are issued for private floating facilities, some tramways, erosion control, access footpaths, wildlife improvement areas, and vegetation modification. Vegetation modification includes underbrushing and/or mowing for fire protection or access footpaths. These activities do not involve a disruption to or change in land form. All of these permits are non-transferable. Upon sale or other transfer of the permitted facility or death of the permittee, the permit is voided. Provided there is not a higher priority use for the land a new permit may be issued to the new owner after an application has been made and the appropriate fees have been paid.
- 9-02. Department of the Army Permits.** Requests involving dredging, placement of fill, construction of fixed or combination fixed-floating structures and discharge of dredged material will be evaluated under authority of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344). These requests should be sent to the Russellville Project Office, Operations Project Manager for review then evaluated by the Regulatory Branch of the Little Rock District Office. Shoreline Use Permit/Licenses will not be used under these circumstances.
- 9-03. Real Estate Instruments.** All requests for commercial development activities and activities involving grade, cuts, fills, other changes in land form, or appropriate land-based support facilities required for private floating facilities will continue to be sent to the Russellville Project Office, Operations Project Manager for review then evaluated at the Real Estate Division of the Little Rock District Office.

SECTION X

OTHER LAND USES

- 10-01. Adjoining Lands.** No Shoreline Use Permit/Licenses or Real Estate Instruments will be issued for septic tanks or septic field lines on government property. These facilities constructed on adjoining private lands should meet the requirements of the Arkansas State Department of Health and Environmental Protection Agency. The spilling, pumping, or other discharge of contaminants, pollutants, or other wastes onto public land or water areas is a violation of Title 36, CFR, Part 327.9(c). Instances of improperly functioning septic facilities will be reported and coordinated with the Arkansas Department of Environmental Quality (ADEQ) for investigation and corrective action.
- 10-02. Matters Not Addressed.** Requests for activities not specifically addressed in this Shoreline Management Plan will be sent to the Chief, Operations Division, for review, coordination, approval, denial, or referral to higher headquarters.

SECTION XI

CONCLUSIONS AND RECOMMENDATION

- 11-01. Comments and Questions.** Lake Dardanelle project personnel are available to address any questions or comments concerning this Shoreline Management Plan. The Russellville Project Office is located on the Russellville side of Dardanelle Lock and Dam off Highway 7 in Pope County, Arkansas at 1598 Lock and Dam Road, Russellville, Arkansas 72802. The telephone number is (479) 968-5008.
- 11-02. Review and Changes.** The Operations Project Manager at Lake Dardanelle will continually monitor the needs of the lake's recreational users and recommend revisions to improve operations and to minimize conflicts between various interests. Minor revisions to the plan will be submitted to the District Engineer for evaluation and approval. In advance of recommending any major revision to this plan, additional public meetings will be held as required by regulations. Changes in shoreline allocations are considered a major change. All requests for changes to the shoreline allocations will be kept on file and reviewed annually to determine the need for a review. If a sufficient number of requests have been made, consideration will be given to initiating the formal update process.
- 11-03. Conclusion.** It is the intent of the Lake Dardanelle Shoreline Management Plan to provide optimum recreational benefits to the public and integrate those recreational needs with physical limitations and natural environmental qualities of the lake and surrounding lands. In developing the plan, past, present and future recreational needs of the area were considered.
- 11-04. Recommendation.** Approval of this plan is recommended.



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

Code of Federal Regulations
Title 36, Volume 3
Revised as of July 1, 2001
CITE: 36CFR327.30

TITLE 36--PARKS, FORESTS, AND PUBLIC PROPERTY

CHAPTER III--CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 327 -- RULES AND REGULATIONS GOVERNING PUBLIC USE OF WATER RESOURCE DEVELOPMENT PROJECTS ADMINISTERED BY THE CHIEF OF ENGINEERS -- Table of Contents

Sec. 327.30 Shoreline Management on Civil Works Projects.

- (a) Purpose. The purpose of this regulation is to provide policy and guidance on management of shorelines of Civil Works projects where 36 CFR part 327 is applicable.
- (b) Applicability. This regulation is applicable to all field operating agencies with Civil Works responsibilities except when such application would result in an impingement upon existing Indian rights.
- (c) References.
 - (1) Section 4, 1944 Flood Control Act, as amended (16 U.S.C. 460d).
 - (2) The Rivers and Harbors Act of 1894, as amended and supplemented (33 U.S.C. 1)
 - (3) Section 10, River and Harbor Act of 1899 (33 U.S.C. 403).
 - (4) National Historic Preservation Act of 1966 (Pub. L. 89-665; 80 Stat. 915) as amended (16 U.S.C. 470 et seq.).
 - (5) The National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.).
 - (6) The Clean Water Act (33 U.S.C. 1344, et seq.).
 - (7) The Water Resources Development Act of 1986 (Pub. L. 99-662).
 - (8) Title 36, chapter III, part 327, Code of Federal Regulations, ``Rules and Regulations Governing Public Use of Water Resource Development Projects Administered by the Chief of Engineers.''
 - (9) Executive Order 12088 (13 Oct. 78).
 - (10) 33 CFR parts 320-330, ``Regulatory Programs of the Corps of Engineers.''
 - (11) ER 1130-2-400, ``Management of Natural Resources and Outdoor Recreation at Civil Works Water Resource Projects.''
 - (12) EM 385-1-1, ``Safety and Health Requirements Manual.''
- (d) Policy.
 - (1) It is the policy of the Chief of Engineers to protect and manage shorelines of all Civil Works water resource development projects under Corps jurisdiction in a manner which will promote the safe and healthful use of these shorelines by the public while maintaining environmental safeguards to ensure a quality resource for use by the public. The objectives of all management actions will be to achieve a balance between permitted private uses and resource protection for general public use. Public pedestrian access to and exit from these shorelines shall be preserved. For projects or portions of projects where Federal real estate interest is limited to easement title only, management actions will be appropriate within the limits of the estate acquired.
 - (2) Private shoreline uses may be authorized in designated areas consistent with approved use allocations specified in Shoreline Management Plans. Except to honor written commitments made prior to publication of this regulation, private shoreline uses are not allowed on water resource projects where construction was initiated after December 13, 1974, or on water resource projects

where no private shoreline uses existed as of that date. Any existing permitted facilities on these projects will be grandfathered until the facilities fail to meet the criteria set forth in Sec. 327.30(h).

- (3) A Shoreline Management Plan, as described in Sec. 327.30(e), will be prepared for each Corps project where private shoreline use is allowed. This plan will honor past written commitments. The plan will be reviewed at least once every five years and revised as necessary. Shoreline uses that do not interfere with authorized project purposes, public safety concerns, violate local norms or result in significant environmental effects should be allowed unless the public participation process identifies problems in these areas. If sufficient demand exists, consideration should be given to revising the shoreline allocations (e.g. increases/decreases). Maximum public participation will be encouraged as set forth in Sec. 327.30(e)(6). Except to honor written commitments made prior to the publication of this regulation, shoreline management plans are not required for those projects where construction was initiated after December 13, 1974, or on projects not having private shoreline use as of that date. In that case, a statement of policy will be developed by the district commander to present the shoreline management policy. This policy statement will be subject to the approval of the division commander. For projects where two or more agencies have jurisdiction, the plan will be cooperatively prepared with the Corps as coordinator.
- (4) Where commercial or other public launching and/or moorage facilities are not available within a reasonable distance, group owned mooring facilities may be allowed in Limited Development Areas to limit the proliferation of individual facilities. Generally only one permit will be necessary for a group owned mooring facility with that entity, if incorporated, or with one person from the organization designated as the permittee and responsible for all moorage spaces within the facility. No charge may be made for use of any permitted facility by others nor shall any commercial activity be engaged in thereon.
- (5) The issuance of a private shoreline use permit does not convey any real estate or personal property rights or exclusive use rights to the permit holder. The public's right of access and use of the permit area must be maintained and preserved. Owners of permitted facilities may take necessary precautions to protect their property from theft, vandalism or trespass, but may in no way preclude the public right of pedestrian or vessel access to the water surface or public land adjacent to the facility.
- (6) Shoreline Use Permits will only be issued to individuals or groups with legal right of access to public lands.

(e) Shoreline Management Plan--

- (1) **General.** The policies outlined in Sec. 327.30(d) will be implemented through preparation of Shoreline Management Plans, where private shoreline use is allowed.
- (2) **Preparation.** A Shoreline Management Plan is prepared as part of the Operational Management Plan. A moratorium on accepting applications for new permits may be placed in effect from the time an announcement of creation of a plan or formal revision of a plan is made until the action is completed.
- (3) **Approval.** Approval of Shoreline Management Plans rests with division commanders. After approval, one copy of each project Shoreline Management Plan will be forwarded to HQUSACE (CECW-ON) WASH DC 20314-1000. Copies of the approved plan will also be made available to the public.
- (4) **Scope and Format.** The Shoreline Management Plan will consist of a map showing the shoreline allocated to the uses listed in Sec. 327.30(e)(6), related rules and regulations, a discussion of what areas are open or closed to specific activities and facilities, how to apply for permits and other information pertinent to the Corps management of the shoreline. The plan will be prepared in sufficient detail to ensure that it is clear to the public what uses are and are not allowed on the shoreline of the project and why. A process will be developed and presented in the Shoreline

Management Plan that prescribes a procedure for review of activities requested but not specifically addressed by the Shoreline Management Plan.

- (5) Shoreline Allocation.** The entire shoreline will be allocated within the classifications below and delineated on a map. Any action, within the context of this rule, which gives a special privilege to an individual or group of individuals on land or water at a Corps project, that precludes use of those lands and waters by the general public, is considered to be private shoreline use. Shoreline allocations cover that land and/or water extending from the edge of the water and waterward with the exception of allocations for the purpose of vegetation modification which extends landward to the project boundary. These allocations should complement, but certainly not contradict, the land classifications in the project master plan. A map of sufficient size and scale to clearly display the shoreline allocations will be conspicuously displayed or readily available for viewing in the project administration office and will serve as the authoritative reference. Reduced or smaller scale maps may be developed for public dissemination but the information contained on these must be identical to that contained on the display map in the project administration office. No changes will be made to these maps except through the formal update process. District commanders may add specific constraints and identify areas having unique characteristics during the plan preparation, review, or updating process in addition to the allocation classifications described below.
- (i) Limited Development Areas.** Limited Development Areas are those areas in which private facilities and/or activities may be allowed consistent with Sec. 327.30(h) and appendix A. Modification of vegetation by individuals may be allowed only following the issuance of a permit in accordance with appendix A. Potential low and high water conditions and underwater topography should be carefully evaluated before shoreline is allocated as Limited Development Area.
 - (ii) Public Recreation Areas.** Public Recreation Areas are those areas designated for commercial concessionaire facilities, Federal, state or other similar public use. No private shoreline use facilities and/or activities will be permitted within or near designated or developed public recreation areas. The term “near” depends on the terrain, road system, and other local conditions, so actual distances must be established on a case by case basis in each project Shoreline Management Plan. No modification of land forms or vegetation by private individuals or groups of individuals is permitted in public recreation areas.
 - (iii) Protected Shoreline Areas.** Protected Shoreline Areas are those areas designated to maintain or restore aesthetic, fish and wildlife, cultural, or other environmental values. Shoreline may also be so designated to prevent development in areas that are subject to excessive siltation, erosion, rapid dewatering, or exposure to high wind, wave, or current action and/or in areas in which development would interfere with navigation. No Shoreline Use Permits for floating or fixed recreation facilities will be allowed in protected areas. Some modification of vegetation by private individuals, such as clearing a narrow meandering path to the water, or limited mowing, may be allowed only following the issuance of a permit if the resource manager determines that the activity will not adversely impact the environment or physical characteristics for which the area was designated as protected. In making this determination the effect on water quality will also be considered.
 - (iv) Prohibited Access Areas.** Prohibited Access Areas are those in which public access is not allowed or is restricted for health, safety or security reasons. These could include hazardous areas near dams, spillways, hydro-electric power stations, work areas, water intake structures, etc. No shoreline use permits will be issued in Prohibited Access Areas.
- (6) Public Participation.** District commanders will ensure public participation to the maximum practicable extent in Shoreline Management Plan formulation, preparation and subsequent revisions. This may be accomplished by public meetings, group workshops, open houses or other public involvement techniques. When master plan updates and preparation of the Shoreline Management

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

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

 - (1) Shoreline Use Permits.

 - (i) Shoreline Use Permits are issued and enforced in accordance with provisions of 36 CFR 327.19.
 - (ii) Shoreline Use Permits are required for private structures/activities of any kind (except boats) in waters of Civil Works projects whether or not such waters are deemed navigable and where such waters are under the primary jurisdiction of the Secretary of the Army and under the management of the Corps of Engineers.
 - (iii) Shoreline Use Permits are required for non-floating structures on waters deemed commercially non-navigable, when such waters are under management of the Corps of Engineers.
 - (iv) Shoreline Use Permits are also required for land vegetation modification activities which do not involve disruption to land form.
 - (v) Permits should be issued for a term of five years. To reduce administration costs, one year permits should be issued only when the location or nature of the activity requires annual reissuance.
 - (vi) Shoreline Use Permits for erosion control may be issued for the life or period of continual ownership of the structure by the permittee and his/her legal spouse.
 - (2) Department of the Army Permits. Dredging, construction of fixed structures, including fills and combination fixed-floating structures and the discharge of dredged or fill material in waters of the United States will be evaluated under authority of section 10, River and Harbor Act of 1899 (33 U.S.C. 403) and section 404 of the Clean Water Act (33 U.S.C. 1344). Permits will be issued where appropriate
 - (3) Real Estate Instruments. Commercial development activities and activities which involve grading, cuts, fills, or other changes in land form, or establishment of appropriate land-based support facilities required for private floating facilities, will continue to be covered by a lease, license or

other legal grant issued through the appropriate real estate element. Shoreline Management Plans should identify the types of activities that require real estate instruments and indicate the general process for obtaining same. Shoreline Use Permits are not required for facilities or activities covered by a real estate instrument.

- (g) **Transfer of Permits.** Shoreline Use Permits are non-transferable. They become null and void upon sale
- (h) **Existing Facilities Now Under Permit.** Implementation of a Shoreline Management Plan shall consider existing permitted facilities and prior written Corps commitments implicit in their issuance. Facilities or activities permitted under special provisions should be identified in a way that will set them apart from other facilities or activities.

 - (1) Section 6 of Pub. L. 97-140 provides that no lawfully installed dock or appurtenant structures shall be required to be removed prior to December 31, 1989, from any Federal water resources reservoir or lake project administered by the Secretary of the Army, acting through the Chief of Engineers, on which it was located on December 29, 1981, if such property is maintained in usable condition, and does not occasion a threat to life or property.
 - (2) In accordance with section 1134(d) of Pub. L. 99-662, any houseboat, boathouse, floating cabin or lawfully installed dock or appurtenant structures in place under a valid shoreline use permit as of November 17, 1986, cannot be forced to be removed from any Federal water resources project or lake administered by the Secretary of the Army on or after December 31, 1989, if it meets the three conditions below except where necessary for immediate use for public purposes or higher public use or for a navigation or flood control project.

 - (i) Such property is maintained in a usable and safe condition,
 - (ii) Such property does not occasion a threat to life or property, and
 - (3) All such floating facilities and appurtenances will be formally recognized in an appropriate Shoreline Management Plan. New permits for these permitted facilities will be issued to new owners. If the holder of the permit fails to comply with the terms of the permit, it may be revoked and the holder required to remove the structure, in accordance with the terms of the permit as to
- (i) **Facility Maintenance.** Permitted facilities must be operated, used and maintained by the permittee in a safe, healthful condition at all times. If determined to be unsafe, the resource manager will establish together with the permittee a schedule, based on the seriousness of the safety deficiency, for correcting the deficiency or having it removed, at the permittee's expense. The applicable safety and health prescriptions in EM 385-1-1 should be used as a guide.
- (j) **Density of Development.** The density of private floating and fixed recreation facilities will be established in the Shoreline Management Plan for all portions of Limited Development areas consistent with ecological and aesthetic characteristics and prior written commitments. The facility density in Limited Development Areas should, if feasible, be determined prior to the development of adjacent private property. The density of facilities will not be more than 50 per cent of the Limited Development Area in which they are located. Density will be measured by determining the linear feet of shoreline as compared to the width of the facilities in the water plus associated moorage arrangements which restrict the full unobstructed use of that portion of the shoreline. When a Limited Development Area or a portion of a Limited Development area reaches maximum density, notice should be given to the public and facility owners in that area that no additional facilities will be allowed. In all cases, sufficient open area will be maintained for safe maneuvering of watercraft. Docks should not extend out from the shore more than one-third of the width of a cove at normal recreation or multipurpose pool. In those cases where current density of development exceeds the density level established in the Shoreline Management Plan, the density will be reduced to the prescribed level through attrition.
- (k) **Permit Fees.** Fees associated with the Shoreline Use Permits shall be paid prior to issuing the permit in accordance with the provisions of Sec. 327.30(c)(1). The fee schedule will be published separately.

Appendix A to Sec. 327.30--Guidelines for Granting Shoreline Use Permits

1. General

- a. Decisions regarding permits for private floating recreation facilities will consider the operating objectives and physical characteristics of each project. In developing Shoreline Management Plans, district commanders will give consideration to the effects of added private boat storage facilities on commercial concessions for that purpose. Consistent with established policies, new commercial concessions may be alternatives to additional limited development shoreline.
- b. Permits for individually or group owned shoreline use facilities may be granted only in Limited Development Areas when the sites are not near commercial marine services and such use will not despoil the shoreline nor inhibit public use or enjoyment thereof. The installation and use of such facilities will not be in conflict with the preservation of the natural characteristics of the shoreline nor will they result in significant environmental damage. Charges will be made for Shoreline Use Permits in accordance with the separately published fee schedule.
- c. Permits may be granted within Limited Development Areas for ski jumps, floats, boat moorage facilities, duck blinds, and other private floating recreation facilities when they will not create a safety hazard and inhibit public use or enjoyment of project waters or shoreline. A Corps permit is not required for temporary ice fishing shelters or duck blinds when they are regulated by a state program. When the facility or activity is authorized by a shoreline use permit, a separate real estate instrument is generally not required.
- d. Group owned boat mooring facilities may be permitted in Limited Development Areas where practicable (e.g. where physically feasible in terms of access, water depths, wind protection, etc.).

2. Applications for Shoreline Use Permits

- a. Applications for private Shoreline Use Permits will be reviewed with full consideration of the policies set forth in this and referenced regulations, and the Shoreline Management Plan. Fees associated with the Shoreline Use Permit shall be paid prior to issuing the permit. Plans and specifications of the proposed facility shall be submitted and approved prior to the start of construction. Submissions should include engineering details, structural design, anchorage method, and construction materials; the type, size, location and ownership of the facility; expected duration of use; and an indication of willingness to abide by the applicable regulations and terms and conditions of the permit. Permit applications shall also identify and locate any land-based support facilities and any specific safety considerations.
- b. Permits will be issued by the district commander or his/her authorized representative on ENG Form 4264-R (Application for Shoreline Use Permit) (appendix B). Computer generated forms may be substituted for ENG Form 4264-R provided all information is included. The computer generated form will be designated, ``ENG Form 4264-R-E, Oct 87 (Electronic generation approved by USACE, Oct 87)''.
- c. The following are guides to issuance of Shoreline Use Permits:
 - (1) Use of boat mooring facilities, including piers and boat (shelters) houses, will be limited to vessel or watercraft mooring and storage of gear essential to vessel or watercraft operation.
 - (2) Private floating recreation facilities, including boat mooring facilities shall not be constructed or used for human habitation or in a manner which gives the appearance of converting Federal public property on which the facility is located to private, exclusive use. New docks with enclosed sides (i.e. boathouses) are prohibited.
 - (3) No private floating facility will exceed the minimum size required to moor the owner's boat or boats plus the minimum size required for an enclosed storage locker of oars, life preservers and other items essential to watercraft operation. Specific size limitations may be established in the project Shoreline Management Plan.

- (4) All private floating recreation facilities including boat mooring facilities will be constructed in accordance with plans and specifications, approved by the resource manager, or a written certification from a licensed engineer, stating the facility is structurally safe will accompany the initial submission of the plans and specifications.
- (5) Procedures regarding permits for individual facilities shall also apply to permits for non-commercial group mooring facilities.
- (6) Facilities attached to the shore shall be securely anchored by means of moorings which do not obstruct the free use of the shoreline, nor damage vegetation or other natural features. Anchoring to vegetation is prohibited.
- (7) Electrical service and equipment leading to or on private mooring facilities must not pose a safety hazard nor conflict with other recreational use. Electrical installations must be weatherproof and meet all current applicable electrical codes and regulations. The facility must be equipped with quick disconnect fittings mounted above the flood pool elevation. All electrical installations must conform to the National Electric Code and all state, and local codes and regulations. In those states where electricians are licensed, registered, or otherwise certified, a copy of the electrical certification must be provided to the resource manager before a Shoreline Use Permit can be issued or renewed. The resource manager will require immediate removal or disconnection of any electrical service or equipment that is not certified (if appropriate), does not meet code, or is not safely maintained. All new electrical lines will be installed underground. This will require a separate real estate instrument for the service right-of-way. Existing overhead lines will be allowed, as long as they meet all applicable electrical codes, regulations and above guidelines, to include compatibility and safety related to fluctuating water levels.
- (8) Private floating recreation facilities will not be placed so as to interfere with any authorized project purposes, including navigation, or create a safety or health hazard.
- (9) The district commander or his/her authorized representative may place special conditions on the permit when deemed necessary. Requests for waivers of shoreline management plan permit conditions based on health conditions will be reviewed on a case by case basis by the Operations Manager. Efforts will be made to reduce onerous requirements when a limiting health condition is obvious or when an applicant provides a doctor's certification of need for conditions which are not obvious.
- (10) Vegetation modification, including but not limited to, cutting, pruning, chemical manipulation, removal or seeding by private individuals is allowed only in those areas designated as Limited Development Areas or Protected Shoreline Areas. An existing (as of July 1, 1987) vegetation modification permit, within a shoreline allocation which normally would not allow vegetation modification, should be grandfathered. Permittees will not create the appearance of private ownership of public lands.
- (11) The term of a permit for vegetation modification will be for five years. Where possible, such permits will be consolidated with other shoreline management permits into a single permit. The district commander is authorized to issue vegetation modification permits of less than five years for one-time requests or to aid in the consolidation of shoreline management permits.
- (12) When issued a permit for vegetative modification, the permittee will delineate the government property line, as surveyed and marked by the government, in a clear but unobtrusive manner approved by the district commander and in accordance with the project Shoreline Management Plan and the conditions of the permit. Other adjoining owners may also delineate the common boundary subject to these same conditions. This delineation may include, but is not limited to, boundary plantings and fencing. The delineation will be accomplished at no cost to the government.
- (13) No permit will be issued for vegetation modification in Protected Shoreline Areas until the

environmental impacts of the proposed modification are assessed by the resource manager and it has been determined that no significant adverse impacts will result. The effects of the proposed modification on water quality will also be considered in making this determination.

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

3. Permit Revocation

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

4. Removal of Facilities

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

5. Posting of Permit Number

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

Appendix B to Sec. 327.30--Application for Shoreline Use Permit

[Reserved]

Appendix C to Sec. 327.30--Shoreline Use Permit Conditions

1. This permit is granted solely to the applicant for the purpose described on the attached permit.
2. The permittee agrees to and does hereby release and agree to save and hold the Government harmless from any and all causes of action, suits at law or equity, or claims or demands or from any liability of any nature whatsoever for or on account of any damages to persons or property, including a permitted facility, growing out of the ownership, construction, operation or maintenance by the permittee of the permitted facilities and/or activities.
3. Ownership, construction, operation, use and maintenance of a permitted facility are subject to the Government's navigation servitude.
4. No attempt shall be made by the permittee to forbid the full and free use by the public of all public waters and/or lands at or adjacent to the permitted facility or to unreasonably interfere with any authorized project purposes, including navigation in connection with the ownership, construction, operation or maintenance of a permitted facility and/or activity.
5. The permittee agrees that if subsequent operations by the Government require an alteration in the location of a permitted facility and/or activity or if in the opinion of the district commander a permitted facility and/or activity shall cause unreasonable obstruction to navigation or that the public interest so requires, the permittee shall be required, upon written notice from the district commander to remove, alter, or relocate the permitted facility, without expense to the Government.
6. The Government shall in no case be liable for any damage or injury to a permitted facility which may be caused by or result from subsequent operations undertaken by the Government for the improvement of navigation or for other lawful purposes, and no claims or right to compensation shall accrue from any such damage. This includes any damage that may occur to private property if a facility is removed for noncompliance with the conditions of the permit.

7. Ownership, construction, operation, use and maintenance of a permitted facility and/or activity are subject to all applicable Federal, state and local laws and regulations. Failure to abide by these applicable laws and regulations may be cause for revocation of the permit.
8. This permit does not convey any property rights either in real estate or material; and does not authorize any injury to private property or invasion of private rights or any infringement of Federal, state or local laws or regulations, nor does it obviate the necessity of obtaining state or local assent required by law for the construction, operation, use or maintenance of a permitted facility and/or activity.
9. The permittee agrees to construct the facility within the time limit agreed to on the permit issuance date. The permit shall become null and void if construction is not completed within that period. Further, the permittee agrees to operate and maintain any permitted facility and/or activity in a manner so as to provide safety, minimize any adverse impact on fish and wildlife habitat, natural, environmental, or cultural resources values and in a manner so as to minimize the degradation of water quality.
10. The permittee shall remove a permitted facility within **30** days, at his/her expense, and restore the waterway and lands to a condition accepted by the resource manager upon termination or revocation of this permit or if the permittee ceases to use, operate or maintain a permitted facility and/or activity. If the permittee fails to comply to the satisfaction of the resource manager, the district commander may remove the facility by contract or otherwise and the permittee agrees to pay all costs incurred thereof.
11. The use of a permitted boat dock facility shall be limited to the mooring of the permittee's vessel or watercraft and the storage, in enclosed locker facilities, of his/her gear essential to the operation of such vessel or watercraft.
12. Neither a permitted facility nor any houseboat, cabin cruiser, or other vessel moored thereto shall be used as a place of habitation or as a full or part-time residence or in any manner which gives the appearance of converting the public property, on which the facility is located, to private use.
13. Facilities granted under this permit will not be leased, rented, sub-let or provided to others by any means of engaging in commercial activity(s) by the permittee or his/her agent for monetary gain. This does not preclude the permittee from selling total ownership to the facility.
14. Floats and the flotation material for all docks and boat mooring buoys shall be fabricated of materials manufactured for marine use. The float and its flotation material shall be 100% warranted for a minimum of 8 years against sinking, becoming waterlogged, cracking, peeling, fragmenting, or losing beads. All floats shall resist puncture and penetration and shall not be subject to damage by animals under normal conditions for the area. All floats and the flotation material used in them shall be fire resistant. Any float which is within 40 feet of a line carrying fuel shall be 100% impervious to water and fuel. The use of new or recycled plastic or metal drums or non-compartmentalized air containers for encasement or floats is prohibited. Existing floats are authorized until it or its flotation material is no longer serviceable, at which time it shall be replaced with a float that meets the conditions listed above. For any floats installed after the effective date of this specification, repair or replacement shall be required when it or its flotation material no longer performs its designated function or it fails to meet the specifications for which it was originally warranted.
15. Permitted facilities and activities are subject to periodic inspection by authorized Corps representatives. The resource manager will notify the permittee of any deficiencies and together establish a schedule for their correction. No deviation or changes from approved plans will be allowed without prior written approval of the resource manager.
16. Floating facilities shall be securely attached to the shore in accordance with the approved plans by means of moorings which do not obstruct general public use of the shoreline or adversely affect the natural terrain or vegetation. Anchoring to vegetation is prohibited.
17. The permit display tag shall be posted on the permitted facility and/or on the land areas covered

by the permit so that it can be visually checked with ease in accordance with instructions provided by the resource manager.

18. No vegetation other than that prescribed in the permit will be damaged, destroyed or removed. No vegetation of any kind will be planted, other than that specifically prescribed in the permit.
19. No change in land form such as grading, excavation or filling is authorized by this permit.
20. This permit is non-transferable. Upon the sale or other transfer of the permitted facility or the death
21. By **30** days written notice, mailed to the permittee by certified letter, the district commander may revoke this permit whenever the public interest necessitates such revocation or when the permittee fails to comply with any permit condition or term. The revocation notice shall specify the reasons for such action. If the permittee requests a hearing in writing to the district commander through the resource manager within the **30**-day period, the district commander shall grant such hearing at the earliest opportunity. In no event shall the hearing date be more than 60 days from the date of the hearing request. Following the hearing, a written decision will be rendered and a copy mailed to the permittee by certified letter.
22. Notwithstanding the conditions cited in condition 21 above, if in the opinion of the district commander, emergency circumstances dictate otherwise, the district commander may summarily revoke the permit.
23. When vegetation modification on these lands is accomplished by chemical means, the program will be in accordance with appropriate Federal, state and local laws, rules and regulations.
24. The resource manager or his/her authorized representative shall be allowed to cross the permittee's property, as necessary to inspect facilities and/or activities under permit.
25. When vegetation modification is allowed, the permittee will delineate the government property line in a clear, but unobtrusive manner approved by the resource manager and in accordance with the project Shoreline Management Plan.
26. If the ownership of a permitted facility is sold or transferred, the permittee or new owner will notify the Resource Manager of the action prior to finalization. The new owner must apply for a Shoreline Use Permit within 14 days or remove the facility and restore the use area within **30** days from the date of ownership transfer.
27. If permitted facilities are removed for storage or extensive maintenance, the resource manager may require all portions of the facility be removed from public property.

Appendix D to Sec. 327.30--Permit [Reserved]

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

Effective Date Note: The amendment to Sec. 327.**30** revising the last sentence of paragraph (k), published at 56 FR 29587, June 28, 1991, was deferred indefinitely. See 56 FR 49706, Oct. 1, 1991. The administrative charges contained in Sec. 327.**30**, Shoreline Management on Civil Works Projects, published in the July 1, 1991 edition of the Code of Federal Regulations will remain in effect. Any future decisions affecting this regulation will be published in the Federal Register at a later date by the Corps of Engineers, Department of the Army. For the convenience of the user, the rule published on June 28, 1991, at FR page 29587, is set forth as follows:

Sec. 327.**30** Shoreline Management on Civil Works Projects.

* * * * *

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



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

Regulation No.
1130-2-48

6 January 2003

Project Operations
SHORELINE MANAGEMENT AT CIVIL WORKS PROJECTS

1. Purpose. This regulation provides specific policies and procedures regarding shoreline management activities required on projects in the Little Rock District. Some project Shoreline Management Plans (SMP) may be inconsistent with this guidance; however those inconsistencies shall be corrected at the next project's SMP review/update.

2. Applicability. This regulation applies to all water resource development projects in the Little Rock District with approved Shoreline Management Plans. Additional guidance may be contained in the project's approved Shoreline Management Plan.

3. References.

a. Regulation, HQUSACE, CECW-OP-ON, May 2002, Title 36, Parks, Forest, and Public Property, Chapter III – US Army Corps of Engineers Part 327 – Rule and Regulations Governing Public Use of Water Resources Development Projects Administered by the Chief of Engineers.

b. Regulation, HQUSACE, CECW-OP-ON, 1 July 2001, 36 CFR 327.30, Shoreline Management on Civil Works Projects and listed as Appendix A.

c. Regulation, HQUSACE, CECW-OP-ON, 28 May 1999, ER 1130-2-406, Shoreline Management on Civil Works Projects, and listed as Appendix B.

d. Memorandum, 10 December 2001, Consolidated License/Permit Process, and listed as Appendix I.

e. Local Regulation, SWLR, 14 October 1999, SWLR 1130-2-43, Shoreline Erosion Control, and listed as Appendix J.

This regulation supersedes SWLDM 1130-2-33, dated 15 September 1992, and changes 1, 2, and 3, SWLDM 1130-2-35 dated 8 September 1993 and change 1 dated 29 May 1998, SWLR 1130-2-38, dated 22 September 1995, and change 1 dated 29 January 1999, SWLR 1130-2-43, dated 14 October 1999.

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4. Policy.

a. Operations Managers will protect and manage the shoreline of the water resource development projects under their jurisdiction. They will promote the safe and healthful use of the shoreline by the public, while maintaining environmental safeguards to ensure a quality resource for future public use.

b. Shoreline Management Plans will be developed for Beaver, Bull Shoals, Dardanelle, Greers Ferry, Millwood, Norfolk, and Table Rock Lakes.

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

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

e. A family household may have a maximum of two slips in any boat dock (private or community) and may not own interest in more than one boat dock facility. A family household is defined as individuals living at the same address. Valid state boat registration will be necessary to verify slip needs. A family household may have only one of the five following items:

- (1) A permit for a private boat dock (single owner).
- (2) A permit for a mooring buoy.
- (3) Ownership of a slip(s) in a community dock (multiple owners).
- (4) A Real Estate license for a tramway.
- (5) A Real Estate outgrant for embayments.

f. The size, configuration, and anchoring plan for boat docks will be approved by the Operations Manager. The maximum size for boat docks will be 20 slips for safety reasons and to

assure maneuverability of the dock during periods of pool fluctuation. The maximum slip size in any dock shall not exceed 14 feet in width by 30 feet in length. Docks will be spaced a minimum of 100 feet apart. Existing docks larger than 20 slips will be grandfathered if safely maintained and shoreline is not needed for a higher purpose. The permit for a community dock will be issued to the person designated in an ownership register or similar document as the authorized representative for the slip owners of the dock. Valid boat registrations will be used to verify slip occupancy/ownership.

(1) Personal watercraft lifts and ride-on moorage devices shall be attached to the leeward (adjacent to the shoreline) side of the dock.

(2) Houseboats/vessels with marine sanitation devices (MSD) must be moored at commercial marinas. (MSDS have been required for vessels with installed toilets since 1980).

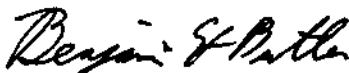
(3) Each Operations Manager shall identify areas and times for assembly, maintenance and dismantling of boat docks. Instructions shall be given to boat dock builders to use and clean those areas. Activities of this type will not interfere with the general public's use of these areas.

g. Adjacent landowners at Beaver, Bull Shoals, Lake Dardanelle, Greers Ferry, Millwood, Norfolk and Table Rock Lakes must obtain a permit from the Operations Manager prior to modifying the vegetative characteristics of project lands. Specific guidance is contained in the project's Shoreline Management Plan and listed in Conditions of Permit for Shoreline Improvements and Vegetation Modifications on Project Lands by Adjacent Landowners in the Little Rock District (Appendix C).

h. A Real Estate instrument must be obtained prior to installing electrical service on public property. All electrical facilities must meet the National Electrical Code (NEC), state and local codes. Underground electrical service is required; however, due to rocky terrain, soil conditions, and pool fluctuations this requirement may be impractical and other types of service may be permitted on a case-by-case basis. A certified electrician must sign and date two sets of plans indicating compliance with NEC, state and local codes. Once the service is installed, a certified electrician must complete the Electrical Certification Form (Appendix D). In those states where electricians are licensed, registered, or otherwise certified electrical facilities must be inspected and, a copy of the electrical certification (Appendix D) must be provided to the Operations Manager before a Shoreline Use Permit can be issued or renewed. In states where electricians are not licensed, registered, or otherwise certified, an electrical contractor may furnish the electrical certification form.

5. Shoreline Management Plans, Reviews and Revisions (Reference Appendix E)

6. Minimum Construction and Maintenance Requirements for Private Floating Facilities. (Reference Appendix F)
7. Roadways, Vehicular Paths, Turnarounds, Pedestrian Access, Parking Areas and Launching Ramps on Project Lands. (Reference Appendix G)
8. Management of Grandfathered Docks on Little Rock District Projects. (Reference Appendix H)
9. Consolidated License/Permit Process. (Reference Appendix I)
10. Shoreline Erosion Control. (Reference Appendix J)



BENJAMIN H. BUTLER
Colonel, EN
Commanding

10 Appendices

1. App A - 36 CFR 327.30 Shoreline Management on Civil Works Projects, revised 1 July 2001.
2. App B - ER 1130-2-406, Shoreline Management on Civil Works Projects, dated 31 October 1990, and change 1 dated 14 September 1992, and change 2 dated 28 May 1999.
3. App C - Conditions of Permit for Shoreline Improvements and Vegetation Modifications on Project Lands by Adjacent Landowners in the Little Rock District
4. App D - Electrical Certification - Sample Form
5. App E - Shoreline Management Plans, Review and Revisions
6. App F - Construction and Maintenance Requirements for Private Floating Facilities
7. App G - Roadways, Vehicular Paths, Turnarounds, Pedestrian Access, Parking Areas and Launching Ramps on Project Lands
8. App H - Grandfathered Dock Guidance
9. App I - Consolidated License/Permit Process
10. App J - SWLR 1130-2-43, Shoreline Erosion Control, 14 October 1999.

DISTRIBUTION A

Code of Federal Regulations
Title 36, Volume 3

[Code of Federal Regulations]
[Title 36, Volume 3]
[Revised as of July 1, 2001]
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[Page 15-24]

TITLE 36--PARKS, FORESTS, AND
PUBLIC PROPERTYCHAPTER III--CORPS OF
ENGINEERS, DEPARTMENT OF THE
ARMYPART 327--RULES AND
REGULATIONS GOVERNING
PUBLIC USE OF WATER
RESOURCE DEVELOPMENT
PROJECTS ADMINISTERED BY THE
CHIEF OF ENGINEERS--Table of
Contents**Sec. 327.30 Shoreline Management on
Civil Works Projects.**

(a) Purpose. The purpose of this regulation is to provide policy and guidance on management of shorelines of Civil Works projects where 36 CFR part 327 is applicable.

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

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

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

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

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

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

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

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

(8) Title 36, chapter III, part 327, Code of Federal Regulations, "Rules and Regulations Governing Public Use of Water Resource Development Projects Administered by the Chief of Engineers."

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

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

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

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

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

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

facilities fail to meet the criteria set forth in Sec. 327.30(h).

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

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

(5) The issuance of a private shoreline use permit does not convey any real estate or personal property rights or exclusive use rights to the permit holder.

6 Jan 03

The public's right of access and use of the permit area must be maintained and preserved. Owners of permitted facilities may take necessary precautions to protect their property from theft, vandalism or trespass, but may in no way preclude the public right of pedestrian or vessel access to the water surface or public land adjacent to the facility.

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

(e) Shoreline Management Plan--

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

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

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

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

(5) **Shoreline Allocation.** The entire shoreline will be allocated within the classifications below and delineated on a map. Any action, within the context of this rule, which gives a special privilege to an individual or group of individuals on land or water at a Corps project, that precludes use of those lands and waters by the general public, is

considered to be private shoreline use. Shoreline allocations cover that land and/or water extending from the edge of the water and waterward with the exception of allocations for the purpose of vegetation modification which extends landward to the project boundary. These allocations should complement, but certainly not contradict, the land classifications in the project master plan. A map of sufficient size and scale to clearly display the shoreline allocations will be conspicuously displayed or readily available for viewing in the project administration office and will serve as the authoritative reference. Reduced or smaller scale maps may be developed for public dissemination but the information contained on these must be identical to that contained on the display map in the project administration office. No changes will be made to these maps except through the formal update process. District commanders may add specific constraints and identify areas having unique characteristics during the plan preparation, review, or updating process in addition to the allocation classifications described below.

(i) **Limited Development Areas.** Limited Development Areas are those areas in which private facilities and/or activities may be allowed consistent with Sec. 327.30(h) and appendix A. Modification of vegetation by individuals may be allowed only following the issuance of a permit in accordance with appendix A. Potential low and high water conditions and underwater topography should be carefully evaluated before shoreline is allocated as Limited Development Area.

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

(iii) **Protected Shoreline Areas.** Protected Shoreline Areas are those areas designated to maintain or restore aesthetic, fish and wildlife, cultural, or other environmental values. Shoreline may also be so designated to prevent development in areas that are subject to

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

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

(6) **Public Participation.** District commanders will ensure public participation to the maximum practicable extent in Shoreline Management Plan formulation, preparation and subsequent revisions. This may be accomplished by public meetings, group workshops, open houses or other public involvement techniques. When master plan updates and preparation of the Shoreline Management Plans are concurrent, public participation may be combined and should consider all aspects of both plans, including shoreline allocation classifications. Public participation will begin during the initial formulation stage and must be broad-based to cover all aspects of public interest. The key to successful implementation is an early and continual public relations program. Projects with significant numbers of permits should consider developing computerized programs to facilitate exchange of information with permittees and to improve program efficiency. Special care will be taken to advise citizen and conservation organizations; Federal, state and local natural resource management agencies; Indian Tribes; the media; commercial concessionaires; congressional liaisons; adjacent landowners and other concerned entities during the formulation of Shoreline Management Plans and subsequent revisions. Notices shall be published prior to public meetings to assure maximum public awareness. Public notices shall be issued by the district

commander allowing for a minimum of 30 days for receipt of written public comment in regard to the proposed Shoreline Management Plan or any major revision thereto.

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

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

(1) **Shoreline Use Permits.**

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

(ii) **Shoreline Use Permits** are required for private structures/activities of any kind (except boats) in waters of Civil Works projects whether or not such waters are deemed navigable and where such waters are under the primary jurisdiction of the Secretary of the Army and under the management of the Corps of Engineers.

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

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

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

(vi) **Shoreline Use Permits** for erosion control may be issued for the life or

period of continual ownership of the structure by the permittee and his/her legal spouse.

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

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

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

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

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

(2) In accordance with section 1134(d) of Pub. L. 99-662, any houseboat, boathouse, floating cabin or lawfully installed dock or appurtenant structures in place under a valid shoreline use permit as of November 17, 1986, cannot be forced to be removed from any Federal water resources project

or lake administered by the Secretary of the Army on or after December 31, 1989, if it meets the three conditions below except where necessary for immediate use for public purposes or higher public use or for a navigation or flood control project.

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

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

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

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

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

(j) **Density of Development.** The density of private floating and fixed recreation facilities will be established in the Shoreline Management Plan for all portions of Limited Development areas consistent with ecological and aesthetic characteristics and prior written commitments. The facility density in Limited Development Areas should, if feasible, be determined prior to the development of adjacent private property. The density of facilities will not be more than 50 per cent of the Limited Development Area in which they are located. Density will be measured by determining the linear feet of shoreline as compared to the width of the facilities in the water plus associated moorage arrangements which restrict the full unobstructed use of that portion of the shoreline. When a Limited Development Area or a portion of a Limited Development area reaches maximum density, notice should be given to the public and facility owners in that area that no additional facilities will be allowed. In all cases, sufficient open area will be maintained for safe maneuvering of watercraft. Docks

should not extend out from the shore more than one-third of the width of a cove at normal recreation or multipurpose pool. In those cases where current density of development exceeds the density level established in the Shoreline Management Plan, the density will be reduced to the prescribed level through attrition.

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

Appendix A to Sec. 327.30--Guidelines for Granting Shoreline Use Permits

1. General

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

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

c. Permits may be granted within Limited Development Areas for ski jumps, floats, boat moorage facilities, duck blinds, and other private floating recreation facilities when they will not create a safety hazard and inhibit public use or enjoyment of project waters or shoreline. A Corps permit is not required for temporary ice fishing shelters or duck blinds when they are regulated by a state program. When the facility or activity is authorized by a shoreline use permit, a separate real estate instrument is generally not required.

d. Group owned boat mooring facilities may be permitted in Limited Development Areas where practicable (e.g. where physically feasible in

terms of access, water depths, wind protection, etc.).

2. Applications for Shoreline Use Permits

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

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

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

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

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

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

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

(5) Procedures regarding permits for individual facilities shall also apply to permits for non-commercial group mooring facilities.

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

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

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

(9) The district commander or his/her authorized representative may place special conditions on the permit when deemed necessary. Requests for waivers of shoreline management plan permit conditions based on health conditions will be reviewed on a case by case basis by the Operations Manager. Efforts will be made to reduce onerous requirements

when a limiting health condition is obvious or when an applicant provides a doctor's certification of need for conditions which are not obvious.

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

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

(12) When issued a permit for vegetative modification, the permittee will delineate the government property line, as surveyed and marked by the government, in a clear but unobtrusive manner approved by the district commander and in accordance with the project Shoreline Management Plan and the conditions of the permit. Other adjoining owners may also delineate the common boundary subject to these same conditions. This delineation may include, but is not limited to, boundary plantings and fencing. The delineation will be accomplished at no cost to the government.

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

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

3. Permit Revocation

Permits may be revoked by the district commander when it is determined that the public interest requires such

revocation or when the permittee fails to comply with terms and conditions of the permit, the Shoreline Management Plan, or of this regulation. Permits for duck blinds and ice fishing shelters will be issued to cover a period not to exceed 30 days prior to and 30 days after the season.

4. Removal of Facilities

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

5. Posting of Permit Number

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

Appendix B to Sec. 327.30--
Application for Shoreline Use Permit
[Reserved]

Appendix C to Sec. 327.30--
Shoreline Use Permit Conditions

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

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

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

4. No attempt shall be made by the permittee to forbid the full and free use by the public of all public waters and/or lands at or adjacent to the permitted facility or to unreasonably interfere with any authorized project purposes, including navigation in connection with the ownership, construction, operation or maintenance of a permitted facility and/or activity.

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

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

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

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

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

10. The permittee shall remove a permitted facility within 30 days, at his/her expense, and restore the waterway and lands to a condition accepted by the resource manager upon termination or revocation of this permit or if the permittee ceases to use, operate or maintain a permitted facility and/or activity. If the permittee fails to

6 Jan 03

CECW-ON

DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers
Washington, D.C. 203 14-1000

ER 1130-2-406
Change 2

Regulation
No. 1130-2-406

28 May 1999

Project Operation
SHORELINE MANAGEMENT AT CIVIL WORKS PROJECTS


1. This change 2 to ER 1130-2-406, 3 1 October 1990, and change 1, 14 September 1992, revises the guidelines for special conditions on permits, Guideline 2.c.(9) of Appendix A and corrects dock and mooring buoy flotation standards, Condition 14 of Appendix C.

2. Substitute pages indicated below:

Appendix	Remove pages	Insert pages
A	A-3, A-4 and A-5	A-3 and A-4
C	C-3 and C-4	C-3 and C-4

3. File this change sheet in front of the publication for reference purposes.

FOR THE COMMANDER:


RUSSELL L. FUHRMAN
Major General, USA
Chief of Staff

SWLR 1130-2-48

6 Jan 03

CECW-ON

DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers
Washington, D. C. 20324-1000

ER 1130-2-406
Change 1

Regulation
No. 1130-2-406

14 September 1992

Project Operation
SHORELINE MANAGEMENT AT CIVIL WORKS PROJECTS


1. This change 1 to ER 1130-2-406, 31 October 1990, corrects dock and mooring buoy floatation standards, Condition 14 of Appendix C.

2. Substitute pages indicated below:

Appendix	Remove pages	Insert pages
C	C-3 and C-4	C-3 and C-4

3. File this change sheet in front of the publication for reference purposes.

FOR THE COMMANDER:


MILTON HUNTER
Colonel, Corps of Engineers
Chief of Staff

6 Jan 03

CECW-ON

DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers
Washington, D. C. 20314-1000

ER 1130-2-406

Regulation
No. 1130-2-406

31 October 1990

Project Operation
SHORELINE MANAGEMENT AT CIVIL WORKS PROJECTS

1. Purpose. The purpose of this regulation is to provide policy and guidance on management of shorelines of Civil Works projects where 36 CFR Part 327 is applicable.

2. Applicability. This regulation is applicable to HQUSACE/OCE elements, major subordinate commands, districts, laboratories, and all field operating activities (FOA) with Civil Works responsibilities except when such application would result in an impingement upon existing Indian rights.

3. References.

a. Section 4, 1944 Flood Control Act, as amended (16 USC 460d).

b. The Rivers and Harbors Act of 1894, as amended and supplemented (33 USC 1).

c. Section 10, River and Harbor Act of 1899 (33 USC 403).

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

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

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

g. The Water Resources Development Act of 1986 (P.L. 99-662).

h. Title 36, Chapter III, Part 327, Code of Federal Regulations, "Rules and Regulations Governing Public Use of Water Resource Development Projects Administered by the Chief of Engineers."

i. Executive Order 12088 (13 Oct 78).

j. 33 CFR 320-330, "Regulatory Programs of the Corps of Engineers."

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

This Regulation Supersedes ER 1130-2-406 dated 13 Dec 74

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

4. Policy.

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

- b. Private shoreline uses may be authorized in designated areas consistent with approved use allocations specified in Shoreline Management Plans. Except to honor written commitments made prior to publication of this regulation, private shoreline uses are not allowed on water resource projects where construction was initiated after December 13, 1974, or on water resource projects where no private shoreline uses existed as of that date. Any existing permitted facilities on these projects will be grandfathered until the facilities fail to meet the criteria set forth in paragraph 8.

- c. A Shoreline Management Plan, as described in paragraph 5, will be prepared for each Corps project where private shoreline use is allowed. This plan will honor past written commitments. The plan will be reviewed at least once every five years and revised as necessary. Shoreline uses that do not interfere with authorized project purposes, public safety concerns, violate local norms, or result in significant environmental affects should be allowed unless the public participation process identifies problems in these areas. If sufficient demand exists, consideration should be given to revising the shoreline allocations (e.g., increases/decreases). Maximum public participation will be encouraged as set forth in paragraph 5f. Except to honor written commitments made prior to publication of this regulation, shoreline management plans are not required for those projects where construction was initiated after December 13, 1974, or on projects not having private shoreline use as of that date. In that case, a statement of policy will be developed by the district commander to present the shoreline management policy. This policy statement will be subject to the approval of

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the division commander. For projects where two or more agencies have jurisdiction, the plan will be cooperatively prepared with the Corps as coordinator.

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

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

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

5. Shoreline Management Plan.

a. General. The policies outlined in paragraph 4 will be implemented through preparation of Shoreline Management Plans, where private shoreline use is allowed.

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

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

d. Scope and Format. The Shoreline Management Plan will consist of a map showing the shoreline allocated to the uses listed in paragraph 5.e., related rules and regulations, a

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discussion of what areas are open or closed to specific activities and facilities, how to apply for permits and other information pertinent to the Corps management of the shoreline. The plan will be prepared in sufficient detail to ensure that it is clear to the public what uses are and are not allowed on the shoreline of the project and why. A process will be developed and presented in the Shoreline Management Plan that prescribes a procedure for review of activities requested but not specifically addressed by the Shoreline Management Plan.

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

(1) Limited Development Areas. Limited Development Areas are those areas in which private facilities and/or activities may be allowed consistent with paragraph 8 and Appendix A. Modification of vegetation by individuals may be allowed only following the issuance of a permit in accordance with Appendix A. Potential low and high water conditions and underwater topography should be carefully evaluated before shoreline is allocated as Limited Development Area.

(2) Public Recreation Areas. Public Recreation Areas are those areas designated for commercial concessionaire facilities, Federal, state or other similar public use. No private shoreline use facilities and/or activities will be permitted within or near designated or developed public recreation areas. The term "near"

depends on the terrain, road system, and other local conditions, so actual distances must be established on a case by case basis in each project Shoreline Management Plan. No modification of land forms or vegetation by private individuals or groups of individuals is permitted in public recreation areas.

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

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

f. Public Participation. District commanders will ensure public participation to the maximum practicable extent in Shoreline Management Plan formulation, preparation and subsequent revisions. This may be accomplished by public meetings, group workshops, open houses or other public involvement techniques. When master plan updates and preparation of the Shoreline Management Plans are concurrent, public participation may be combined and should consider all aspects of both plans, including shoreline allocation classifications. Public participation will begin during the initial formulation stage and must be broad-based to cover all aspects of public interest. The key to successful implementation is an early and continual public relations program. Projects with significant numbers of permits should consider developing computerized programs to facilitate exchange of information with permittees and to improve program efficiency. Special care will be taken to advise citizen and conservation organizations; Federal, state and local natural resource management agencies; Indian Tribes; the media; commercial concessionaires; congressional liaisons; adjacent

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landowners and other concerned entities during the formulation of Shoreline Management Plans and subsequent revisions. Notices shall be published prior to public meetings to assure maximum public awareness. Public notices shall be issued by the district commander allowing for a minimum of 30 days for receipt of written public comment in regard to the proposed Shoreline Management Plan or any major revision thereto.

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

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

a. Shoreline Use Permits.

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

(2) Shoreline Use Permits are required for private structures/activities of any kind (except boats) in waters of Civil Works projects whether or not such waters are deemed navigable and where such waters are under the primary jurisdiction of the Secretary of the Army and under the management of the Corps of Engineers.

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

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

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

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

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

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

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

8. Existing Facilities Now Under Permit. Implementation of a Shoreline Management Plan shall consider existing permitted facilities and prior written Corps commitments implicit in their issuance. Facilities or activities permitted under special provisions should be identified in a way that will set them apart from other facilities or activities.

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

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

(1) such property is maintained in a usable and safe condition;

(2) such property does not occasion a threat to life or property;

(3) and, the holder of the permit is in substantial compliance with the existing permit.

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

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

10. Density of Development. The density of private floating recreation facilities will be established in the Shoreline Management Plan for all portions of Limited Development Areas consistent with ecological and aesthetic characteristics and prior written commitments. The facility density in Limited Development Areas should, if feasible, be determined prior to the development of adjacent private property. The density of facilities will not be more than 50 per cent of the Limited Development Area in which they are located. Density will be measured by determining the linear feet of shoreline as compared to the width of facilities plus associated moorage arrangements which restrict the full unobstructed use of that portion of the shoreline. When a Limited Development Area or a portion of a

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Limited Development Area reaches maximum density, notice should be given to the public and facility owners in that area that no additional facilities will be allowed. In all cases, sufficient open area will be maintained for safe maneuvering of watercraft. Docks should not extend out from the shore more than one-third of the width of a cove at normal recreation or multipurpose pool. In those cases where current density of development exceeds the density level established in the Shoreline Management Plan, the density will be reduced to the prescribed level through attrition.

11. Permit Fees. Fees associated with the Shoreline Use Permits shall be paid prior to issuing the permit in accordance with the provisions of Section 4 of the 1944 Flood Control Act. The fee schedule will be published separately.

FOR THE COMMANDER:

4 APPENDICES

- APP A - Guidelines for Granting
Shoreline Use Permits
- APP B - Application for Shoreline
Use Permit
- APP C - Shoreline Use Permit
Conditions
- APP D - Permit (Sample)



ALBERT J. GENETTI, JR.
Colonel, Corps of Engineers
Chief of Staff

APPENDIX A

GUIDELINES FOR GRANTING SHORELINE USE PERMITS

1. General.

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

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

c. Permits may be granted within Limited Development Areas for ski jumps, floats, boat moorage facilities, duck blinds, and other private floating recreation facilities when they will not create a safety hazard and inhibit public use or enjoyment of project waters or shoreline. A Corps permit is not required for temporary ice fishing shelters or duck blinds when they are regulated by a state program. When the facility or activity is authorized by a shoreline use permit, a separate real estate instrument is generally not required.

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

2. Applications for Shoreline Use Permits.

a. Applications for private Shoreline Use Permits will be reviewed with full consideration of the policies set forth in this and referenced regulations, and the Shoreline Management Plan. Fees associated with the Shoreline Use Permit shall be

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paid prior to issuing the permit. Plans and specifications of the proposed facility shall be submitted and approved prior to the start of construction. Submissions should include engineering details, structural design, anchorage method, and construction materials; the type, size, location and ownership of the facility; expected duration of use; and an indication of willingness to abide by the applicable regulations and terms and conditions of the permit. Permit applications also shall identify and locate any land-based support facilities and any specific safety considerations.

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

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

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

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

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

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

- (5) Procedures regarding permits for individual facilities shall also apply to permits for non-commercial group mooring facilities.
- (6) Facilities attached to the shore shall be securely anchored by means of moorings which do not obstruct the free use of the shoreline, nor damage vegetation or other natural features. Anchoring to vegetation is prohibited.
- (7) Electrical service and equipment leading to or on private mooring facilities must not pose a safety hazard nor conflict with other recreational use. Electrical installations must be weatherproof and meet all current applicable electrical codes and regulations. The facility must be equipped with quick disconnect fittings mounted above the flood pool elevation. All electrical installations must conform to the National Electric Code and all state, and local codes and regulations. In those states where electricians are licensed, registered, or otherwise certified, a copy of the electrical certification must be provided to the resource manager before a Shoreline Use Permit can be issued or renewed. The resource manager will require immediate removal or disconnection of any electrical service or equipment that is not certified (if appropriate), does not meet code, or is not safely maintained. All new electrical lines will be installed underground. This will require a separate real estate instrument for the service right-of-way. Existing overhead lines will be allowed, as long as they meet all applicable electrical codes, regulations and above guidelines, to include compatibility and safety related to fluctuating water levels.
- (8) Private floating recreation facilities will not be placed so as to interfere with any authorized project purposes, including navigation, or create a safety or health hazard.
- * (9) The district commander or his/her authorized representative may place special conditions on the permit when deemed necessary. Requests for waivers of shoreline management plan permit conditions based on health conditions will be reviewed on a case by case basis by the Operations Manager. Efforts will be made to reduce onerous requirements when a limiting health condition is obvious or when an applicant provides a doctor's certification of need for conditions which are not obvious.
- *
- (10) Vegetation modification, including but not limited to, cutting, pruning, chemical manipulation, removal or seeding by private individuals, are allowed only in those areas designated as Limited Development Areas or Protected Shoreline Areas. An existing (as of February 1, 1989) 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.

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

(12) When issued a permit for vegetative modification, the permittee will delineate the government property line, as surveyed and marked by the government, in a clear but unobtrusive manner approved by the district commander and in accordance with the project Shoreline Management Plan and the conditions of the permit. Other adjoining owners may also delineate the common boundary subject to these same conditions. This delineation may include, but is not limited to, boundary plantings and fencing. The delineation will be accomplished at no cost to the government.

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

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

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

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

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

APPENDIX B

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APPLICATION FOR SHORELINE USE PERMIT (ER 1130-2-406) (See reverse side for Privacy Act Statement) Print or type information requested below. Submit two completed and original signed copies of this application with two complete/sets of plans and specifications to the Resource Manager.																										
PROJECT		DATE OF APPLICATION																								
NAME OF APPLICANT (and Spouse if applicable)		TELEPHONE, AREA CODE AND NUMBER																								
STREET	CITY, STATE, ZIP CODE																									
TYPE OF FACILITY (Check one or more blocks as appropriate)																										
<input type="checkbox"/> NEW <input type="checkbox"/> RENEWAL																										
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BRIEF DESCRIPTION OF FACILITY LOCATION, STATE LICENSE NUMBER(S) OF BOAT(S) TO BE DUCKED (if this application is for a boat mooring facility) OR DEVELOPMENT (if this application is for land use):																										
<p style="text-align: center;">FOR ILLUSTRATION PURPOSES ONLY (Local reproduction authorized - blank masters available from local FMO)</p>																										
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I UNDERSTAND AND AGREE TO THE CONDITIONS OF THE PERMIT FOR SHORELINE USE. TWO COMPLETE SETS OF THE PLANS AND SPECIFICATIONS, INCLUDING SITE LOCATION AND LAYOUT PLAN, FOR THE PROPOSED ACTIVITY STRUCTURE OR ANCHORAGE SYSTEM ARE ENCLOSED.																										
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THE APPLICANT IS HEREBY GRANTED A PERMIT TO CONSTRUCT AND/OR MAINTAIN AND USE A FLOATING RECREATION FACILITY OR OTHER DEVELOPMENT AS SHOWN ON THE ATTACHED PLANS SUBJECT TO THE RULES AND REGULATIONS OF THE CORPS OF ENGINEERS ON WATERS UNDER THE CONTROL OF THE U.S. ARMY, CORPS OF ENGINEERS. THE PERMITTEE SHALL ADHERE TO THE CONDITIONS FOR SHORELINE USE SET FORTH IN APPENDIX C OF ER 1130-2-406.																										
_____ (USIG)		_____ (Signature of Resource Manager)																								

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DATA REQUIRED BY THE PRIVACY ACT OF 1974

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

APPENDIX C
SHORELINE USE PERMIT CONDITIONS

1. This permit is granted solely to the applicant for the purpose described on the attached permit.
2. The permittee agrees to and does hereby release and agree to save and hold the Government harmless from any and all causes of action, suits at law or equity, or claims or demands or from any liability of any nature whatsoever for or on account of any damages to persons or property, including a permitted facility, growing out of the ownership, construction, operation or maintenance by the permittee of the permitted facilities and/or activities.
3. Ownership, construction, operation, use and maintenance of a permitted facility are subject to the Government's navigation servitude.
4. No attempt shall be made by the permittee to forbid the full and free use by the public of all public waters and/or lands at or adjacent to the permitted facility or to unreasonably interfere with any authorized project purposes, including navigation in connection with the ownership, construction, operation or maintenance of a permitted facility and/or activity.
5. The permittee agrees that if subsequent operations by the Government require an alteration in the location of a permitted facility and/or activity or if in the opinion of the district commander a permitted facility and/or activity shall cause unreasonable obstruction to navigation or that the public interest so requires, the permittee shall be required, upon written notice from the district commander to remove, alter, or relocate the permitted facility, without expense to the Government.
6. The Government shall in no case be liable for any damage or injury to a permitted facility which may be caused by or result from subsequent operations undertaken by the Government for the improvement of navigation or for other lawful purposes, and no claims or right to compensation shall accrue from any such damage. This includes any damage that may occur to private property if a facility is removed for noncompliance with the conditions of the permit.
7. Ownership, construction, operation, use and maintenance of a permitted facility and/or activity are subject to all applicable Federal, state and local laws and regulations. Failure to abide

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by these applicable laws and regulations may be cause for revocation of the permit.

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

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

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

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

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

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

Regulation No.
1130-2-48

6 January 2003

Project Operations
SHORELINE MANAGEMENT AT CIVIL WORKS PROJECTS

1. Purpose. This regulation provides specific policies and procedures regarding shoreline management activities required on projects in the Little Rock District. Some project Shoreline Management Plans (SMP) may be inconsistent with this guidance; however those inconsistencies shall be corrected at the next project's SMP review/update.
2. Applicability. This regulation applies to all water resource development projects in the Little Rock District with approved Shoreline Management Plans. Additional guidance may be contained in the project's approved Shoreline Management Plan.
3. References.
 - a. Regulation, HQUSACE, CECW-OP-ON, May 2002, Title 36, Parks, Forest, and Public Property, Chapter III – US Army Corps of Engineers Part 327 – Rule and Regulations Governing Public Use of Water Resources Development Projects Administered by the Chief of Engineers.
 - b. Regulation, HQUSACE, CECW-OP-ON, 1 July 2001, 36 CFR 327.30, Shoreline Management on Civil Works Projects and listed as Appendix A.
 - c. Regulation, HQUSACE, CECW-OP-ON, 28 May 1999, ER 1130-2-406, Shoreline Management on Civil Works Projects, and listed as Appendix B.
 - d. Memorandum, 10 December 2001, Consolidated License/Permit Process, and listed as Appendix I.
 - e. Local Regulation, SWLR, 14 October 1999, SWLR 1130-2-43, Shoreline Erosion Control, and listed as Appendix J.

This regulation supersedes SWLOM 1130-2-33, dated 15 September 1992, and changes 1, 2, and 3, SWLOM 1130-2-35 dated 8 September 1993 and change 1 dated 29 May 1998, SWLR 1130-2-38, dated 22 September 1995, and change 1 dated 29 January 1999, SWLR 1130-2-43, dated 14 October 1999.

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

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

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

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

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

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

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

SWLR 1130-4-48
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APPENDIX D

Permit (Sample)

Permit 01234 Expires 30 Nov. 1987

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



**US Army Corps
of Engineers**

APPENDIX C

CONDITIONS OF PERMIT FOR SHORELINE IMPROVEMENTS AND VEGETATION
MODIFICATION ON PROJECT LANDS BY ADJACENT LANDOWNERS

1. Purpose. This appendix provides specific guidance and conditions of shoreline use permits for shoreline improvements and vegetation modifications on project lands by adjacent landowners in the Little Rock District.
2. Applicability. This appendix applies to all projects administering the provisions of approved Shoreline Management Plans in the Little Rock District.
3. General Requirements. Adjacent landowners must obtain a Shoreline Use Permit from the Operations Manager prior to removing vegetation, planting native trees or shrubs, underbrushing, mowing or making any other alterations to public lands. Permits of any type will not be granted to individuals for use of lands allocated as public recreation areas, including their buffers, or on lands allocated as prohibited access areas. No work will be performed outside the limits of the permit area as shown on the drawing attached to Shoreline Use Permit (ENG FORM 4264-R).
4. Conditions of Permit. The following conditions will apply to all requests from adjacent landowners to perform shoreline improvements or vegetation modifications on public land adjoining their private property. The purpose of these conditions are to preserve the protective vegetative buffer between private property and project waters, enhance wildlife propagation, conserve the aesthetic value, prevent erosion, and degradation of the public shoreline.
 - a. General Shoreline Use Permit Conditions. The following conditions are applicable to all shoreline use permits in the Little Rock District:
 1. The permittee shall avoid creating the appearance of private exclusive use of public property. All lands covered by this permit will remain open at all times for use by the general public. The placement of personal property on public lands is prohibited without written permission from the Operations Manager.
 2. The permittee will delineate the Government property line in a clear but unobtrusive manner and be approved by the Operations Manager. Methods of delineation may include wooden stakes, fencing, 4x4 timbers, rocks or approved plantings. Failure to comply with the delineation will be grounds for immediate revocation of the permit and forfeiture of any paid fees.
 3. The permittee may use only hand-operated tools and non-commercial lawnmowers. The use of heavy equipment, such as tractors and bulldozers, is not permitted.

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4. The permittee may only cut dead or diseased trees previously inspected and marked by the Operations Manager. These trees must pose a threat to personal property or create a safety hazard to be considered for removal. Felled trees shall remain on project lands for wildlife habitat unless approved by the Operations Manager for removal.

5. No burning will be allowed on project lands by adjacent landowners.

6. Flowering trees or shrubs, such as dogwood and redbud, may not be cut regardless of size.

7. Trees larger than two inches in diameter at chest height (4.5') may not be cut. The Operations Manager may restrict the cutting of trees less than two inches. Seedlings may be protected to assure future regeneration of canopy trees.

8. Trimming, cutting, limbing, or topping of trees is prohibited.

9. Written requests regarding natural resource management activities for the shoreline must be accompanied by a detailed and well-described plan utilizing native vegetation. It is recommended that a plan be prepared by a natural resources professional. If the Operations Manager approves the plan, a shoreline use permit may be issued using ENG FORM 4264-R.

b. Paths and Shoreline Improvements. Construction of paths and other shoreline improvements will be subject to the following conditions:

(1) Pedestrian access paths shall not exceed six feet in width and will be authorized only for foot traffic. The path must follow a meandering route to prevent erosion and avoid the need for removal of trees and vegetation. Drawings of the path by a park ranger will serve to illustrate the beginning and the end of the path.

(2) Gravel or natural materials may be used on the pathway only to prevent or control erosion.

(3) The permit does not convey the right to construct any structures (steps, bridges, landscape lighting, light poles, etc.) in connection with the path.

c. Vegetation Modification. Vegetation modifications will be subject to the following conditions:

(1) The limits of mowing or underbrushing will be dependant upon the proximity of habitable structures to the Government boundary and other private boundaries. Mowing limits will be measured from the foundation of the habitable structure. Decks, porches, or outbuildings are not considered a part of the habitable structure. The actual limits of any vegetation

modification will be determined by the Operations Manager and clearly defined and illustrated on a drawing by a park ranger and attached to ENG FORM 4264-R.

(2) The maximum allowable limits for vegetation modification are contained in the project's approved Shoreline Management Plan. The Operations Manager may restrict the maximum limit if adverse impacts may result.

APPENDIX D

**CERTIFICATE OF ELECTRICAL INSPECTION
(SAMPLE)**

This is to certify that the electrical facilities on and in conjunction with dock number _____ on _____ Lake were inspected this _____ day of _____, 20_____, and to the best of my knowledge, they are in compliance with the current requirements of the National Electrical Code. This inspection is solely for the Little Rock District, Corps of Engineers, PO Box 867, Little Rock, Arkansas 72203-0867.

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

RESULTS OF INSPECTION:

DESCRIPTION OF REPAIRS MADE:

Name of Electrician or
Electrical Contractor (print)

Inspector's Name (print)

Telephone Number

Inspector's License Number

Inspector's Signature

APPENDIX E

SHORELINE MANAGEMENT PLANS, REVIEWS AND REVISIONS

1. Purpose. This appendix provides specific guidance and procedures for periodic reviews and updates of Shoreline Management Plans for Little Rock District projects.

2. Applicability. This appendix applies to all projects administering the provisions of approved Shoreline Management Plans in the Little Rock District.

3. Shoreline Management Plan.

a. Preparation and Approval. A Shoreline Management Plan will be prepared for each project where private floating facilities (boat docks) and/or other private shoreline uses are permitted. The plan will be prepared as a separate document, and it will become a part of the Operational Management Plan (OMP) after approval by the Commander, Southwestern Division. A moratorium on accepting applications for new permits may be placed in effect from the time an announcement of creation of a plan or formal revision of a plan is made until the action is completed.

b. Scope and Format. The Shoreline Management Plan will consist of a map showing the shoreline allocated to the uses listed in 327.30(e)(6), related rules and regulations, a discussion of what areas are open or closed to specific activities and facilities, how to apply for permits and other information pertinent to the Corps management of the shoreline.

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

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

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

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

permitted within designated or recreation areas or adjoining buffer areas.

(3) Protected Shoreline Areas. The shoreline allocation maps do not designate these areas with a color code. Shoreline Use Permits will not be issued for boat docks in these areas. Vegetation modification and foot-path construction may be permitted in these areas. The Operations Manager must determine that the requested land use will not adversely impact the environment or physical characteristics of the area prior to issuing the shoreline use permit. Additional areas may be designated for aesthetics values as "Very High Scenic Integrity Protected Areas" which prohibit the placement of boat docks. These areas are shown in light purple on the shoreline allocation maps.

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

e. Public Participation in Plan Formulation. Public participation will be an integral part of the development and updating process for Shoreline Management Plans.

f. Periodic Review. Shoreline Management Plans will be reviewed periodically, but no less often than every five years, by the district commander to determine the need for update. The Operation Managers will budget for review/update. Complete reviews/updates may be subject to the availability of funding. The District Engineer may approve minor administrative revisions to the plan when the revisions are consistent with 36 CFR 327.30 or ER 1130-2-406. Addition and/or deletion of limited development areas are not minor revisions. Revisions of this nature require public involvement and approval by the Commander, Southwestern Division.

(1) The Operations Manager will annually assess the need to revise or update the shoreline management plan. This review will generally be scheduled in January or February and may serve as the 5-year review/update. The assessment will consider any revision to the District's operating policy on shoreline management, changes in recreational use patterns on the project, amount of available Limited Development Areas, and other pertinent shoreline factors.

(2) Proposals and schedules for reviewing shoreline management plans will be maintained by the Chief, Natural Resources Management Section.

(3) Boat dock rezoning requests for additional Limited Development Areas (LDA) will not be considered or accepted until all current LDA's at that project are utilized to the maximum extent permitted by 36 CFR 327.30. These requests will only be considered or accepted during shoreline management plan updates/reviews. Any project that had previously accepted boat dock rezoning requests, prior to the implementation of this policy, will be allowed to review

those requests at the next update unless prohibited by current SMP. Any approval of these requests will require formal updating of the approved plan. Boat dock rezoning requests will not be permitted to accommodate developers/real estate speculative property owners, but rather geared towards individual or group owned (community docks) needs. A request for rezoning based on a developers intent to enhance the value of existing property including speculation is not based on existing individual needs and, accordingly, is not in the best interest of the public. Boat dock rezoning requests will not be permitted for the sole purpose of removing a boat from a commercial marina. The formal updating process including public involvement and approval by the Commander, Southwestern Division will be required to implement these requests. There may be a moratorium on accepting or processing other shoreline use permit applications during these processes. An individual may submit only ONE rezoning request for consideration during a shoreline management plan review. The rezoning applicant must meet the criteria for obtaining a boat dock and have legal access to the shoreline prior to requesting rezoning. If changes of shoreline allocations are proposed as a part of the review, an Environmental Assessment (EA) will be required as a minimum to comply with National Environmental Policy Act (NEPA) documentation.

(4) The relocation of existing Limited Development Areas (LDA) may be considered only when a family household has ownership of the contiguous adjacent private property, and the request for relocation is within the same boundaries of said property. The LDA may not be relocated to an area on the project outside of the contiguous property identified by the Operation Manager (i.e., if a adjacent landowner has ownership of private property that adjoins a cove (cove a), and ownership of another parcel of private property at a different cove (cove b) on the project, the relocation of the LDA cannot be moved from (cove a) to an area in (cove b). The requested LDA cannot be increased/decreased from the original length of shoreline allocated as LDA as indicated on the project shoreline allocations map. The relocated LDA must be move in its entirety, no portions of a zone may be relocated. The applicant will be required to have an Environmental Assessment (EA) conducted in accordance with National Environmental Policy Act (NEPA) guidance to determine environmental impacts. Also, the applicant will be responsible for funding costs and coordination with the Planning, Environmental, and Regulatory Division to assure adequate environmental documentation. If any adverse impacts are identified in the EA, the request will be denied. This type of request may be accepted outside the formal review/update. It must be coordinated and approved by the Chief, Operations Division.

(5) Purported errors or mistakes in shoreline allocations or plan provisions will be investigated and resolved promptly by the Operations Manager. Based on the findings and recommendations of the Operations Manager, the District's Natural Resources Management Section staff will correct the situation by submitting a supplement to the Commander, Southwestern Division for approval, and notify applicants in writing of the findings of the investigation and final decision.

(6) The Operations Manager may deny any shoreline use requests without further investigation that are clearly outside the scope and intent of 36 CFR 327.30 or ER 1130-2-406

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(Examples could include rezoning prohibited areas for private shoreline uses or designating a limited development area within a park or park buffer area).

(7) 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 review, an individual must submit a written request for action within ninety (90) days of the decision. The request should be accompanied by appropriate supporting documentation (letter, maps, diagrams, copies of correspondence, doctor's letters, etc., and mailed to Commander, Little Rock District, U.S. Army Corps of Engineers, ATTN: Chief, Operations Division, P.O. Box 867, Little Rock, Arkansas 72203-0867.

4. Opportunities for Public Participation. The District Engineer will ensure public participation to the maximum practicable extent in the Shoreline Management Plan formulation, preparation and subsequent revisions. The Operations Manager will solicit public input by hosting public meetings, group workshops, or open houses at the project office or at convenient locations in the vicinity of the project.

a. The Operations Manager will make necessary arrangements and will provide personnel necessary to conduct the workshops and/or open houses. These events should be scheduled mid-week and extend over several convenient hours to maximize opportunities for public participation. Representatives of the District Office will be invited to attend and participate.

b. The more formal setting of a public meeting may be required for consideration of more controversial issues. The Operations Manager will make necessary arrangements for the meeting place, and the meeting would be conducted by the District Engineer or a member of his staff. Special rules of procedure are applicable to public meetings.

c. Public involvement opportunities will also allow for a 30-day period for receiving written public comments regarding the plan or its revisions.

5. Public Notification Responsibilities.

a. The District Engineer or his authorized representative will invite congressional representatives to participate in public involvement sessions during the review and update. These invitations will precede any notice made through the media to the general public.

b. The media will be used extensively to notify the public of opportunities to participate in the shoreline management plan review and updating process. Public Affairs Office will notify the general public through media releases to applicable state-wide and local newspaper, television and radio outlets. All media releases on the subject will be coordinated with Public

Affairs Office, Chief, Operations Division, and the Chief, Natural Resources Management Section.

6. Submittal and Approval Procedures.

a. The Operations Manager will prepare the updated shoreline management plan. The updated plan and supporting documentation will be sent to the Chief, Operations Division, for review and coordination with Natural Resources Management, Office of Counsel, and Planning, Environmental, and Regulatory elements of the District.

b. The District Engineer or his authorized representative will submit the updated plan to the Commander, Southwestern Division for review and approval.

c. Upon approval of the plan, the general public will be notified. No additional public involvement will be required unless major changes were made as a result of the approval process.

7. Timeline for Reviewing and Updating.

T-90 (days)	Submit update request and schedule for approval.
T-80	Receive District Office approval.
T-15	Notify Congressional interests of review/update.
T-10	Notify general public through media.
T	Begin review process and public comments on shoreline management plan for the project.
T+30	Announce public workshop opportunity and comment period.
T+90	Close public comment period.
T+120	Evaluate comments, formulate updated plan and submit recommendation to District Office staff for review and approval.
T+210	Prepare Environment Assessment and supporting Environmental Documentation (if applicable)
T+280	Complete District Office coordination and submit updated plan or supplement to SWD for review and approval.

- T+300 Receive SWD approval or special instructions for implementation.
- T+320 Notify Congressional interests of approval.
- T+340 Notify general public of approval.
- T+360 Fully implement provisions of approved updated plan or supplement.

APPENDIX F

MINIMUM CONSTRUCTION AND MAINTENANCE REQUIREMENTS FOR PRIVATE FLOATING FACILITIES

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

2. General Requirements.

a. The mooring location for a boat dock must be approved by the Operations Manager prior to the construction. Each applicant must furnish two sets of plans for the dock, drawn to an appropriate scale, for review and approval by the Operations Manager prior to starting work. The plans must be stamped and signed by a registered Professional Engineer stating that the plans and specifications meet or exceed the minimum construction and maintenance requirements for private floating facilities.

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

c. Additional requirements may be specified on the (ENG FORM 4264-R) and/or in the Shoreline Management Plan for the project.

3. Design Criteria.

a. Design Loads (Minimum).

(1) Deck loads and walkways loads (substructure) 30 psf.

(2) Wind loads (sub and superstructure) 20 psf.

(3) Roof loads (superstructure) 10 psf.

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

b. Flotation.

(1) Must meet 36 CFR 327.30 Appendix C on all new docks and/or on repairs to existing docks.

(2) Flotation may not be stacked under the dock structure.

(3) Adequate flotation must be provided to maintain the substructure a minimum of 8 inches above the water's surface.

c. Roofs. Roofs may be gabled or single-pitched. The roofs must be securely fastened to the superstructure to resist wind uplift. Minimum thickness: steel 28 ga., aluminum .032 inches.

d. 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. Minimum requirements for anchor cables: 3/8 inch steel cable. Galvanized and/or stainless steel cable of same size or larger may be used.

e. Main Dock Structure and Walkways (access to main dock structure). Main walkways shall be a minimum of 3 feet and a maximum of 6 feet in width.

f. Construction Materials.

(1) The entire dock must be constructed of similar type design and construction materials i.e., wood, metal, aluminum.

(2) 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.

g. Handrails.

(1) Handrails will be provided on at least one side of the walkway leading to the dock and 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. No gaps wider than 4 feet should be present.

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

(3) Hand rails must be structurally sound and maintained in a state of good repair.

(4) Handrails must withstand a load of at least 200 pounds applied in any direction at any point with a minimum of deflection.

h. Electrical.

(1) A Real Estate instrument must be obtained prior to installing service on public property. All electrical facilities must meet the National Electrical Code (NEC), state and local codes. Underground electrical service is required; however, due to rocky terrain, soil conditions, and pool fluctuations this requirement may be impractical and other types of service may be permitted on a case-by-case basis. A certified electrician must sign and date two sets of plans indicating compliance with NEC, state and local codes. Once the service is installed, a certified electrician must complete the Electrical Certification Form (Appendix D). In those states where electricians are licensed, registered, or otherwise certified, electrical facilities must be inspected, and a copy of the electrical certification (Appendix D) must be provided to the Operations Manager before a Shoreline Use Permit can be issued or renewed. In states where electricians are not licensed, registered, or otherwise certified, an electrical contractor may furnish the electrical certification form.

(2) Temporary Power Service Requirements. During the construction or assembly of the dock, three wire grounding extension cords may be used to provide temporary electrical service to the dock-mooring site. Extension cords will be kept out of reach of pedestrian traffic, and they will be removed when not in use or fully supervised by the dock owner/builder. Extension cords may not be used on the dock or as a source of electricity for docks once constructed and installed.

APPENDIX G

ROADWAYS, VEHICULAR PATHS, TURNAROUNDS, PEDESTRIAN ACCESS,
PARKING AREAS AND LAUNCHING RAMPS ON PROJECT LANDS

1. General. The purpose of this appendix is to establish consistent, district-wide policy for evaluating non-concessionaire requests for roads, vehicular paths, turnarounds, pedestrian access, parking and launching ramps on public lands. This does not include facilities in leased areas.
2. Conditions. The following are conditions for all facilities constructed on public lands:
 - a. Prior to approval of any facility, the applicant must furnish complete plans of construction details indicating a layout and material quantities equal to the approved minimum design standards, if any.
 - b. Also required is a statement that the use of the facilities will be open to the general public without charge.
 - c. A real estate instrument (if required) must be obtained prior to construction.
3. Policy for Roads, Turnarounds, and Parking Areas.
 - a. Use of Park Roads. Road access into the interior road system of a park for any purpose is prohibited.
 - b. Construction of roads, turnarounds, and parking areas on fee-owned Civil Works lands will be considered only when:
 - (1) Requested by a Government entity, and,
 - (2) No other alternative exists on privately owned lands, and,
 - (3) The use will not interfere with project purposes and is compatible with the "limited development area" designation in the shoreline management plan, and,
 - (4) The use is considered an integral part of a boat-launching ramp or fulfills a critical public need such as access across public lands for roads and highways, and,
 - (5) The road is routed to minimize impacts to the natural and cultural resources. This includes minimizing cut and fill, avoiding removal of 3-inch or greater trees (diameter measured at chest height – 4.5 feet), and consideration of other scenic or cultural resources. All

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construction activities will be contained within the road right-of-way. If additional area is needed for material or equipment storage, private property will be used. If the above condition cannot be met, the applicant may be requested to prepare an environmental assessment of the activity. In all cases, a vegetative plan will be provided. Other restoration or mitigation plans may be required on a case-by-case basis, and,

(6) Public lands are not severed and isolated rendering them too small for beneficial uses.

4. Policy for Launch Ramps. In addition to the policy above, request for launch ramps on public lands will be considered only when:

- a. Requested by a Government entity, and,
- b. Access to the facility is by public road or is guaranteed by legally dedicated right of access through private property, and,
- c. Geographic location is determined by the Operations Manager and will be no less than 3 shoreline miles from the nearest public ramp at conservation pool, and,
- d. The launch ramp is constructed as a part of the completed complex including road and parking.
- e. Consideration may be made to allow a launch ramp less than 3 shoreline miles from the nearest public ramp providing the activity is for a dry storage facility and will not have any adverse environmental impacts or result in the reduction of limited development areas.

5. Policy for Vehicular Paths. Requests for vehicular paths permitting the limited use by non-street legal, motorized and wheeled devices and equipment for personal transportation will be considered for individuals with limiting health conditions on a case-by-case basis. All such "limiting health conditions" waivers are non-transferable and subject to cancellation because of misuse or environmental abuse.

6. Policy for Pedestrian Access for Stairs/Steps. The standards of the shoreline management plan for meandering footpaths will apply to all aspects of shoreline access.

- a. Request for stairs/steps on public lands will be considered only when:
 - (1) They are required to provide access to a private/community dock or over steep and/or rocky terrain with slopes exceeding 20 percent, and,
 - (2) No other access is available within 100 feet of the closest point to the requested location.

b. Stairs/Steps on public lands.

(1) The top of the steps should be a minimum of 10 inches in length, a maximum of 6 feet wide, and risers should be between 5-8 inches high.

(2) Stairs will only be permitted in existing limited development areas to provide access to private or community docks when the terrain is too steep or unstable for the placement of steps or walkways. Stairs must blend in with the natural environment to be minimally intrusive (this could require staining and/or painting). Brightly painted or otherwise visually conspicuous facilities will not be permitted.

(3) Stairs shall be securely anchored and made of wood, metal, or native materials. Ladders may be permitted as a means of temporary access while stairs are under construction (maximum of 30 days after approval to install the stairs).

(4) Handrails are required on stairs, and may be allowed on steps. Handrails if constructed, shall have a top rail at 42 inches in height and a guardrail located 22 inches in height below the top rail. Handrails must be structurally sound, maintained in a state of good repairs and must withstand a load of at least 200 pounds applied in any direction at any point with a minimum of deflection.

7. Liability Disclaimer. The Corps of Engineers, the US Army, and the Federal Government refuse all liability and under no conditions assume any responsibility whatsoever for the use of stairs, steps or meandering pathways placed on Federal lands by private individuals. Said use will be solely at the discretion and risk of the individual.

APPENDIX H

MANAGEMENT OF GRANDFATHERED DOCKS ON LITTLE ROCK DISTRICT
PROJECTS

1. General. This appendix establishes district-wide operational procedures involving the management of grandfathered docks in the Little Rock District.

2. Policy for Grandfathered Docks.

a. Definition. A grandfathered dock is a private floating facility that has once been authorized by a Lakeshore or Shoreline Management Use Permit or otherwise a prior written US Army Corps of Engineers commitment.

b. Policy.

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

(2) In accordance with Section 1134(d) of Public Law 99-662, any houseboat, boathouse, floating cabin, or lawfully installed dock or appurtenant structures in place under a valid Shoreline Use Permit as of 17 November 1986, cannot be forced to be removed from any Federal water resources project or lake administered by the Secretary of the Army on or after 31 December 1989, if it meets the following conditions:

(a) such property is maintained in a usable and safe condition,

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

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

c. If the dock does not meet the above three conditions, it must be removed from the lake. Special provisions also apply to the removal of these facilities lawfully installed and under permit as of 29 December 1981, or 17 November 1986. Procedures regarding removal of these facilities as provided for in PL 97-140 and PL 99-662 are outlined in paragraph 8 of ER 1130-2-406.

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d. Grandfathered docks are permitted under special provisions and will be identified in a manner that sets them apart from other dock facilities. All such grandfathered docks will be identified with a green permit tag or an "X" preceding the permit number on regular permits to designate being allowed under special conditions.

e. These grandfathered dock permits are non-transferable. A new permit will be issued upon change in ownership.

f. Deviations or changes from original approved boat dock plans may be considered and are subject to the same conditions of all other permitted boat docks, with the exception of:

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

(2) Boat dock slips may be enlarged to accommodate the current permittees boat. However, the enlargement cannot exceed a maximum width of 14 feet per slip and length of 30 feet. Boat dock slips may not be enlarged for the sole purpose of removing a boat from an approved commercial marina slip.

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

g. Anytime structural changes of the dock are required, the dock plans must be brought up to current standards and approved by the Operations Manager.

h. Permitted grandfathered docks that are damaged or destroyed due to fire, wind, ice, snow or other natural causes may be replaced in kind. Boat dock plans must be approved by the Operations Manager.

APPENDIX I

CONSOLIDATED LICENSE/PERMIT PROCESS

1. Purpose. The purpose of this standard operating procedure (SOP) is to provide consolidated permit processing related to shoreline residential amenities within the authority of the project's approved Shoreline Management Plan (SMP).
2. Applicability. This SOP applies to all lake projects in the Little Rock District having approved shoreline management plans under Title 36 CFR.
3. References:
 - a. SWLOM 1130-2-33 dated 15 Sep 92, subject: Shoreline Management at Civil Works Projects.
 - b. SWLOM 1130-2-35 dated 19 May 98, subject: Shoreline Management Plan Review and Revisions.
 - c. SWLR 1130-2-38, dated 22 Sep 95 with change one dated 29 Jan 99, subject: Roadways, Vehicular Paths, Turnarounds, Pedestrian Access, Parking Areas and Launching Ramps on Project Lands.
 - d. Section 10, River and Harbors Act of 1899.
 - e. Section 404 of the Clean Water Act of 1972.
4. Objective. This process will provide for expediting permits/licenses and improved customer services. Shoreline use permits and new residential amenity requests are to be consolidated and processed at the project office.
5. SOP for Consolidated Permit Process.
 - a. Guidance. Requests for new residential amenities receiving positive consideration are limited to the following items as defined in reference 3c: stairs, steps, and paved pathways. Also included are water lines, and electric lines to private floating facilities and other electrical amenities. All other requests will be forwarded to the Chief, Operations Division, for review and coordination as described in reference 3c. Approved requests will adhere to environmental standards contained in reference 3a. A performance measure is established that requires one-stop permit actions to be completed in one visit after field investigations, forms preparation and other needed research is accomplished.

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b. Review Process. New requests for residential amenities will be received by the Operations Manager or authorized representative(s). Each request will be thoroughly reviewed for applicability to guidance and references. Approved requests will meet Real Estate and Regulatory criteria in preparation for issuance of license and permit. The applicant will fully understand license and permit conditions before signing documents. Funds will be collected.

c. Documentation Process.

(1) Shoreline Use Permits. A copy of ENG FORM 4264-R will be completed as shown in Appendix A. The requested facility/facilities or activities will be indicated on the form. Fees collected will be in accordance with the schedule contained in the appendix.

(2) Real Estate Instruments. Redelelegation of authority to issue licenses to Operations Managers and Lake Managers is contained in Appendix B. Delegations will be provided to each Operations Manager and Lake Manager by name. The delegation will be for issuing and executing new licenses only. Instruction for issuing licenses at the project office may also be found. Upon approval, an original executed copy of the issued licenses with payment will be transmitted daily to Chief, Real Estate Division, for data entry to the Real Estate Management Information System (REMIS) and Corps of Engineers Financial Management System (CEFMS) for collection of funds. The draft license document will be made available in a shared local area network file.

(3) Regulatory Permits. The project office procedure for issuing Regulatory General Permits for steps, stairs, paved pathways, and water lines should be as follows:

(a) A local numbering system will be developed, maintained and numbers will be affixed to documents provided to Chief, Regulatory Branch.

(b) Each approval for steps, stairs, paved paths or water lines will include the appropriate regulatory paragraphs as indicated in Appendix C in the transmittal letter that conveys the real estate license.

(c) Each approved request should have an exact location map (geographic information system or quadrangle map) and a copy of the applicable general permit.

(d) Chief, Regulatory Branch will be furnished a copy of the approved request with local number and attached maps as soon as the action is complete.

(e) Copies of the appropriate general permits are included in Appendix C.

6. Responsibilities. It is the responsibility of the Operations Manager to monitor the process for timeliness of response and applicability of environmental standards. Chief, Operations and

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Chief, Planning, Environmental and Regulatory Division, will maintain oversight for issuance of applicable permits. Chief, Real Estate Division, will be responsible for administration of issued outgrants.

MICHAEL E. MILLER
Chief, Operations Division

MARK W. MOORE
Chief, Real Estate Division

KENNETH W. CARTER
Chief, Planning, Environmental and Regulatory Division

APPENDIX A – Natural Resource Documents

APPENDIX B – Real Estate Documents

APPENDIX C – Regulatory Documents

APPENDIX A

SCHEDULE OF SHORELINE USE FEES

<u>TYPE OF SHORELINE USE PERMIT</u>	<u>APPLICABLE FEES</u>
<u>WATER BASED PERMITS (5 Year Term)</u>	
Private Floating Facility	\$30
Community Floating Facility	
Mooring Buoy	
Swim Float	
Ski Jump	
Ski Course	
Mooring Post	
Duck Blind	
<u>LAND BASED PERMITS (5 Year Term)</u>	
Under Brushing	\$10
Plant/Landscaping	
Erosion Control	
Mowing	
Foot Path	

APPENDIX B

Real Estate Documents

AUTHORITY - The General Administrative Powers of the Secretary of the Army

LICENSES FOR MINOR RESIDENTIAL AMENITIES -

1. **REPORT OF AVAILABILITY(ROA)** - Master ROA for Project will be used. Notation will be made on file copy stating, "The ROA for this outgrant is found in the Master ROA file for project office lake."
2. **NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)/ENVIRONMENTAL REQUIREMENTS**
- No additional environmental requirements are needed.
3. **REGULATORY REQUIREMENTS** - No regulatory review is required for existing or new powerlines to private boat docks, buried or aerial, unless poles are installed in the water, or the lines cross a cove or portion of lake. All other licenses will require evaluation for needed permits.
4. **TERM** - Licenses shall have a term of no more than five-years to run concurrently with the boat dock permit. Licenses may not be transferred.
5. **FEE** - The fee for a new five-year term license is \$475.00 and consists of three parts. An Administrative Fee of \$345.00 is charged for all licenses and may not be prorated. Other charges include a \$70.00 Minimum Land Value and a \$50.00 Inspection Fee. If a license is being issued for a term less than five years, the \$70 Minimum Land Value may be prorated at \$15.00 for each year as well as the \$50.00 Inspection Fee at \$10.00 per year.
6. **COMPLIANCE** - Licenses are required to be inspected once every five years and/or prior to renewal of outgrant. Inspections will continue to be performed by the Project Office on all renewals.
7. **AUTHORIZED/UNAUTHORIZED ACTIVITIES** - This authority is only for minor residential amenities to include: walkways, improved paths, water pipeline/pumping facility and powerline licenses. No roads, parking, turnarounds, septic systems or water pipelines for cooling systems will be authorized under this delegation. Additional development or expansion of license area shall not occur. This would constitute a material breach of the license that would provide for immediate revocation.
8. **LICENSE FORM** - The format will be provided by Real Estate in a WORD document in the shared directory. The project office does not authorize deviations or other reproductions of the license form for use. Any changes required to this form, must be coordinated through Chief, Real Estate Division.
9. **COPIES/DISTRIBUTION** - Licensee and authorized individual at the project will sign two copies.

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One copy will be furnished to the licensee and the other mailed to the Chief, Real Estate Division, along with the required check, on date executed.

**LICENSE PROCESSING INSTRUCTIONS
FOR DELEGATED MINOR RESIDENTIAL AMENITIES**

1. Chief, Real Estate will assign a block of contract numbers to the project office. The project office will number and log in each contract in the format, DACW03-3-02-(contract number). The 02 identifies the fiscal year 2002. This process will begin with requests for new licenses for 2002, beginning October 1, 2001.
2. Real Estate Division will provide license format to each project office.
3. At this time, fees for a new five-year license will be \$475.00 for a new license and consists of three parts. An Administrative Fee of \$345.00 is charged for all licenses and may not be prorated. Other charges include a \$70.00 Minimum Land Value and a \$50.00 Inspection Fee. If a license is being issued for a term less than five years, the \$70 Minimum Land Value may be prorated at \$15.00 for each year as well as the \$50.00 Inspection Fee at \$10.00 per year. Fees will be collected at the project office, and a receipt will be issued or a photocopy of the check will be maintained in project files. The project office will forward the check for the license fee, along with an executed copy of the license, to Chief, Real Estate Division.
4. A license will be issued for each private/community dock having electrical facilities. Licenses may be issued to an individual or a dock association. In such instance where one power pole is serving multiple docks, a license will be issued for each boat dock permit issued. Multiple improvements (improved paths, walkways, waterlines, and powerlines to private docks and other electrical amenities) may be listed on one license.
5. The following information will be included on the license:
 - a. Name and address of grantee
 - b. Location identified by Tract No., Dock No. and County
 - c. Beginning and ending date of license (5-year term) to run concurrently with boat dock permit
 - d. Consideration amount
 - e. Contract number
 - f. Complete listing of all improvements authorized
6. After two originals of the license have been executed by the grantee and the authorized individual at

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the project (delegation attached), one copy will be furnished to the licensee and the other to the Chief, Real Estate Division, along with payment. Real Estate Division personnel will do the collection in CEFMS and REMIS entries.

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**DELEGATION OF AUTHORITY
TO ISSUE, EXECUTE, MANAGE, RENEW, SUPPLEMENT OR REVOKE
LICENSES TO USE DEPARTMENT OF ARMY REAL PROPERTY**

On 9 January 1998, Commander, Southwestern Division, delegated authority with power of redelegation to District Chiefs of Real Estate to issue, execute, manage, renew, supplement, or revoke outgrants (licenses) authorizing the use of Army real property in accordance with AR 405-80, dated 10 December 1997.

As authorized by the delegation, authority is hereby redelegated to Operations Managers and Lake Mangers at the Beaver, Greers Ferry, Millwood, Mountain Home, Russellville, and Table Rock Project Offices to issue, execute, manage, or revoke licenses for minor residential amenities subject to the following stipulations:

1. This delegation of authority is for a five (5) year term, beginning December 1, 2001 and expiring November 30, 2006.
2. This delegation of authority can be terminated at will by the Chief, Real Estate Division, Little Rock District, U. S. Army Corps of Engineers.
3. This delegation of authority is applicable only to licenses for minor residential amenities, which do not require a formal estimate or appraisal of value.

MARK W. MOORE
Chief, Real Estate Division

APPENDIX C

Regulatory Documents

Steps/Stairs/Paved Paths - Pursuant to 33 Code of Federal Regulations (CFR) 325.5, the proposed activity is authorized by Department of the Army General Permit GS (copy enclosed), provided that the conditions therein, and the following added special condition (s), are met. You should become familiar with the conditions and maintain a copy of the permit at the worksite for ready reference. If changes are proposed in the design or location of the facilities, you should submit revised plans to this office for approval before construction of the change begins.

Special Condition: The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable water, the permittee will be required, upon due notice from the US Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

Water Lines - Pursuant to 33 Code of Federal Regulation (CFR) 325.5, the proposed activity is authorized by Department of the Army General Permit GF (copy enclosed), provided that the conditions therein are met. You should become familiar with the conditions and maintain a copy of the permit at the worksite for ready reference. If changes are proposed in the design or location of the facilities, you should submit revised plans to this office for approval before construction of the change begins.

You are hereby advised that it is unlawful for any person, firm, or corporation to withdraw in any manner any water from any public waters without first securely screening the intake pipe against the entry therein of any fish or to lower any body of water so as to endanger fish life. (See 32.20 Arkansas Game and Fish Commission Code.)

APPENDIX J

SHORELINE EROSION CONTROL

1. **Purpose.** This appendix 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 Engineer or his authorized representative to prevent further erosion. This appendix 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. Enclosure 1 is a guide that describes bank stabilization methods that landowners may be allowed in preventing further bank erosion and a general discussion of the Nationwide Permit Conditions for Bank Stabilization, (Federal Register, Vol. 61, No. 241).
5. **Design and Construction.** Enclosure 1 includes all conditions required for bank stabilization. The project owner shall submit an application for Section 404 Permit processing if advised that a permit is necessary.
6. **Review, Approval, and Appeal Process.** Requests and plans for bank stabilization will be submitted to the Operations Manager for review. The Operations Manager will submit all requests recommended for approval and a completed Record of Environmental Consideration or Environmental Assessment to the Chief, Operations Division for consideration. Requests denied by the Operations Manager may be appealed for reconsideration at the District level. The Operations Manager will forward the appeal, the environmental consideration, 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. Nationwide Permit. The following subparagraphs describe the restrictions included in the Nationwide Permit addressed in this Appendix. Any fill material placed below the ordinary high water mark requires a permit pursuant to Section 404 of the Clean Water Act. If a project meets the requirements of a Nationwide Permit (listed below), the permit process can be expedited. Any deviations from these restrictions may require standard Section 404 Permit evaluation, typically requiring a minimum of 60 calendar days.

- a. The bank stabilization is less than 300 feet in length.
- b. The activity is necessary for erosion prevention.
- c. The activity will not exceed an average of one cubic yard per running foot placed along the bank below the ordinary high water mark.
- d. No material is placed in excess of the minimum needed for erosion prevention.
- e. No material is placed in any location or in any manner to impair surface water flow into or out of any wetland area.
- f. Only clean material that is free of waste, metal products, organic materials, unsightly debris, toxic pollutants, etc. may be used.
- g. The activity is a single and complete project.

2. General.

- a. A combination of riprap, vegetative control, and other structures may be approved. Examples of acceptable designs are shown on Plates 1 through 4.

b. A right-of-entry from Real Estate Division is 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.

c. 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.

3. 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. See Plate five for filter information requirements.

4. Retaining Walls.

a. Retaining walls will be considered on a site by site basis. The wall shall be constructed along the existing bank line and shall not be used to reclaim land, both horizontally and vertically. The top elevation shall not be higher than the existing top bank.

b. The wall shall be designed by a licensed Professional Engineer. The foundation shall be designed to account for potential erosion below the foundation.

c. Walls made of mortared walls, creosote crossties, creosote, or other treated lumber shall not be authorized. Materials must be specifically designed for erosion control purposes.

d. Backfill is allowed only behind retaining walls. It must be earthen fill without trash, organic materials, asphalt products, or other unsightly debris. Gravel is allowed with retaining walls per manufacturer's recommendations, however, the top layer must be earthen fill to allow for regeneration of native trees and other vegetation. The establishment of grass lawns or sandy beaches in the disturbed area is prohibited.

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 within 15 days of the completion of work.

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b. Removal of any trees on project lands must be approved by the Operations Manager and is limited to obtain access to the work site. Replacement trees may be required for some or all trees removed at a 2:1 ratio.

c. Damages resulting from the activity will be restored to the satisfaction of the US 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 US 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.

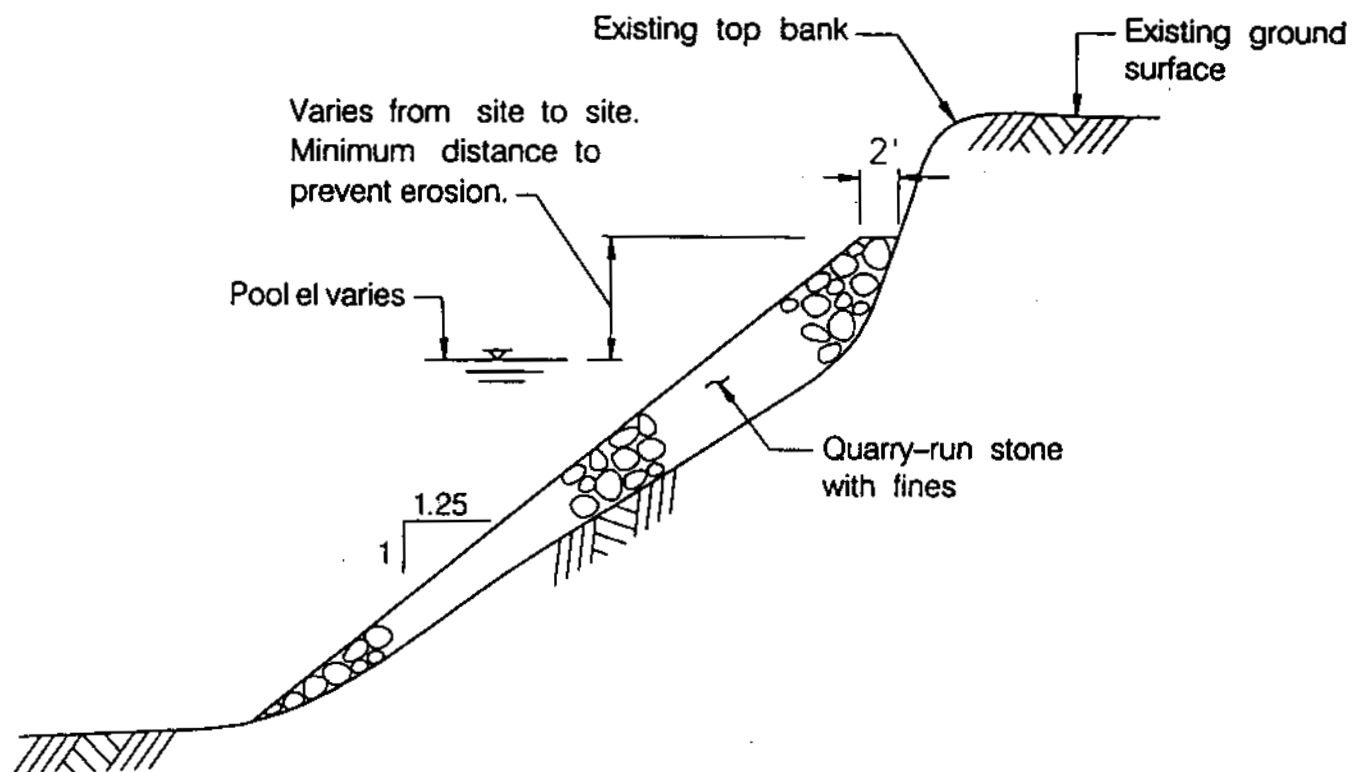
b. If any materials or sites of cultural, historical, or archeological significance are discovered within the project boundaries at any time preceding or during construction, the Operations Manager will be immediately notified and work will cease until further notice.

c. Work is not authorized within the known habitat of a threatened or endangered species as identified under the Endangered Species Act.

TABLE 1

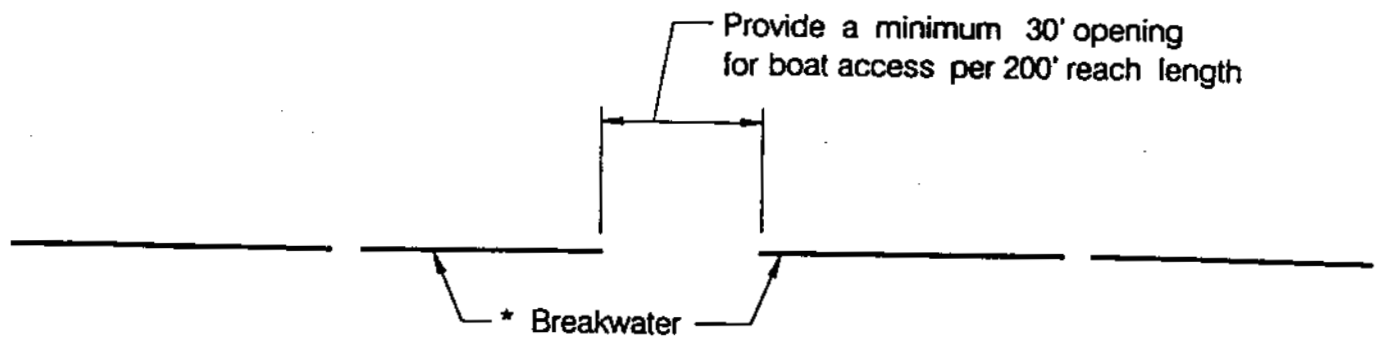
LAKE	5-YEAR POOL ELEVATION, NGVD
Beaver	1130.00
Table Rock	921.20
Bull Shoals	676.80
Norfork	570.40
Greers Ferry	472.00
Millwood	264.90
DeQueen	460.70
Dierks	551.25
Clearwater	532.10
Blue Mountain	409.00
Nimrod	368.00

**Critical Elevations
for fill in the Flood Pools of Lakes,
Little Rock District**

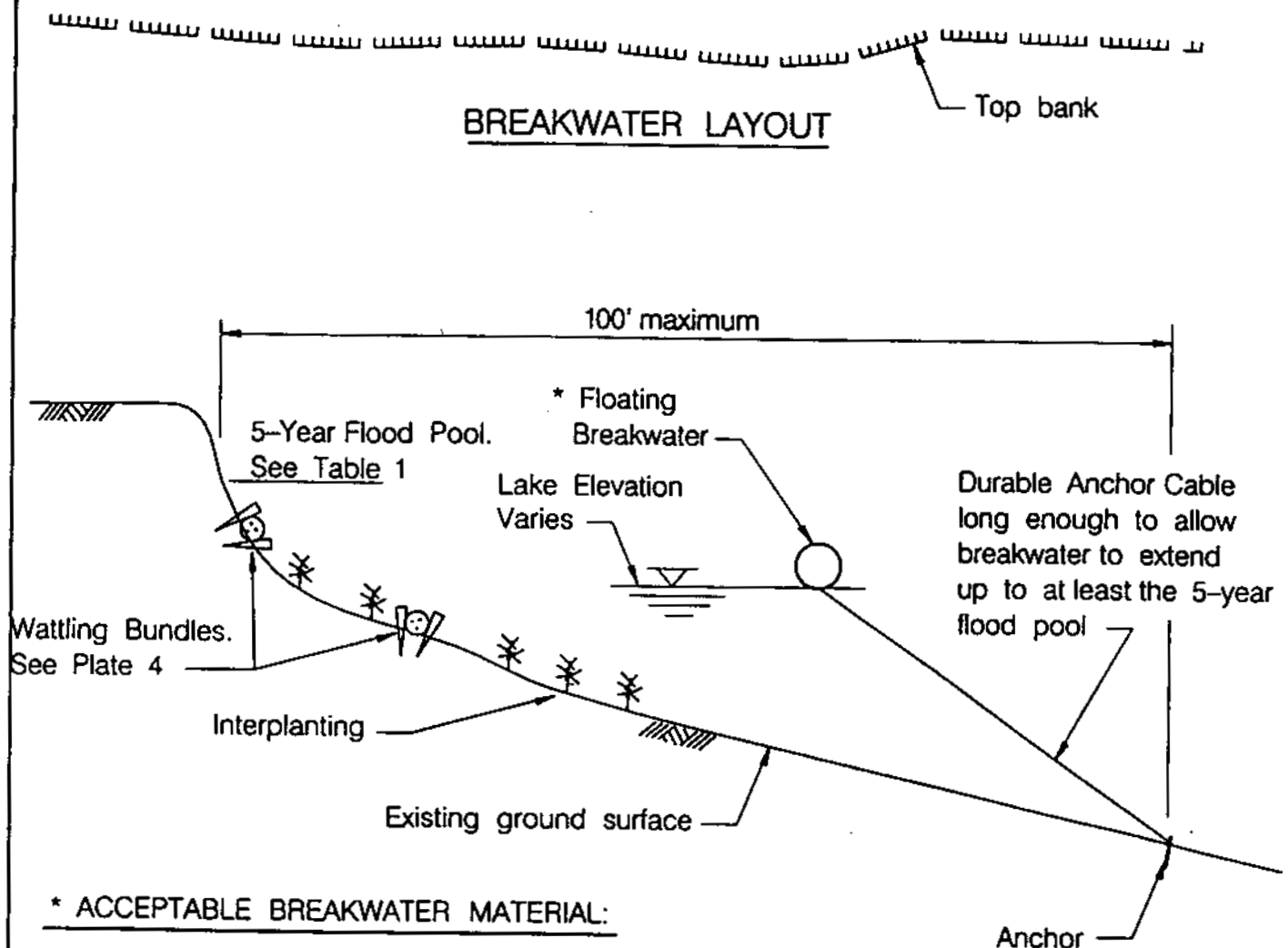


TYPICAL SECTION A
End-dumped stone

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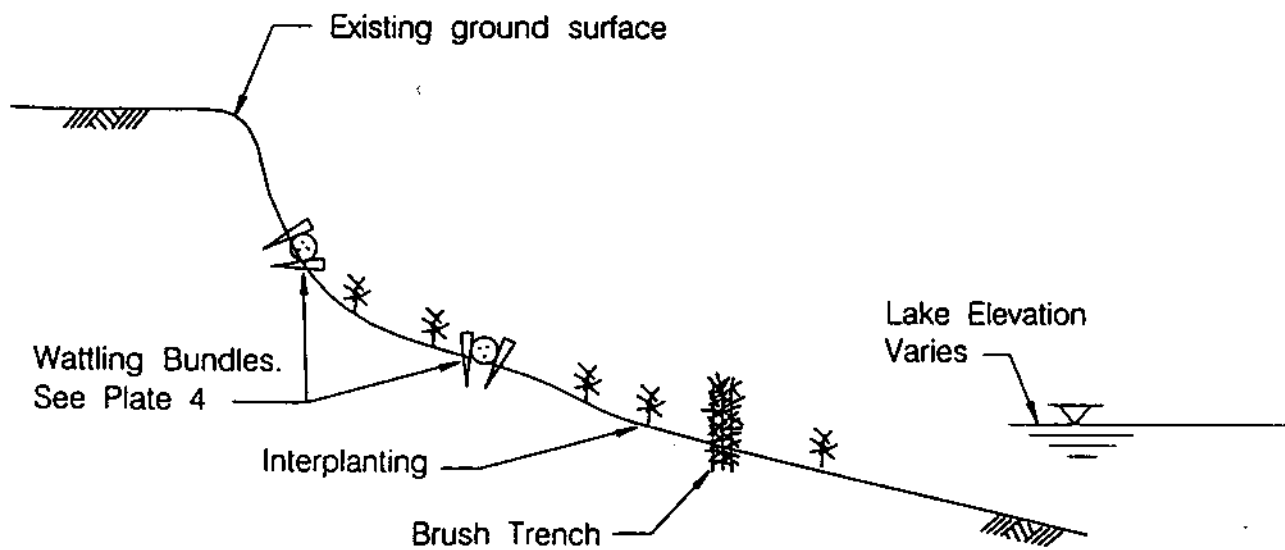
BREAKWATER LAYOUT



* ACCEPTABLE BREAKWATER MATERIAL:

Log boom from fallen trees
 Telephone Poles
 Tires that are bound together
 Steel structure

TYPICAL SECTION



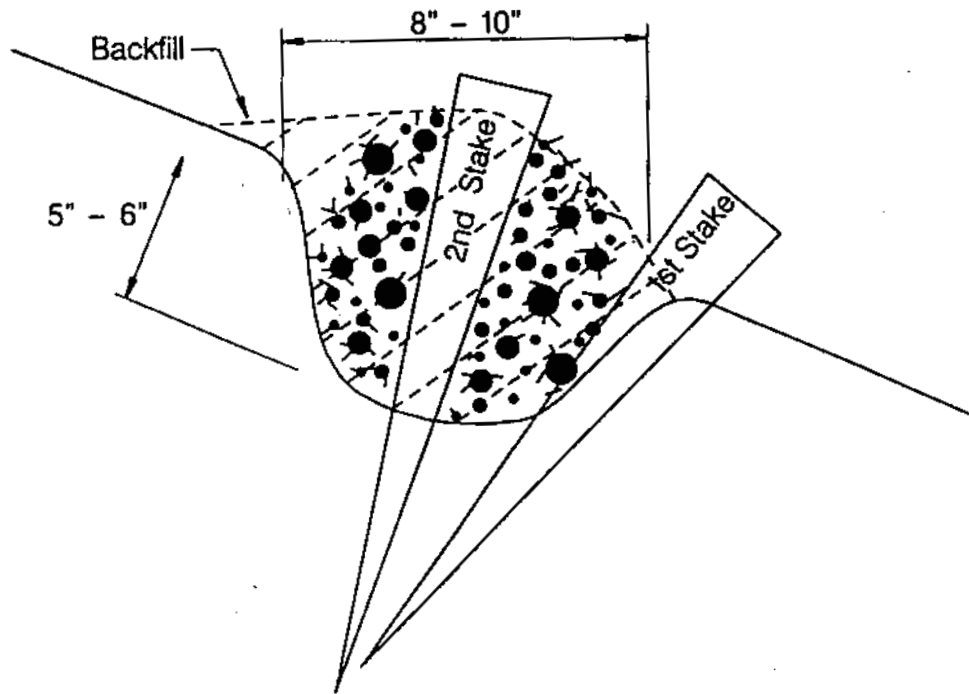
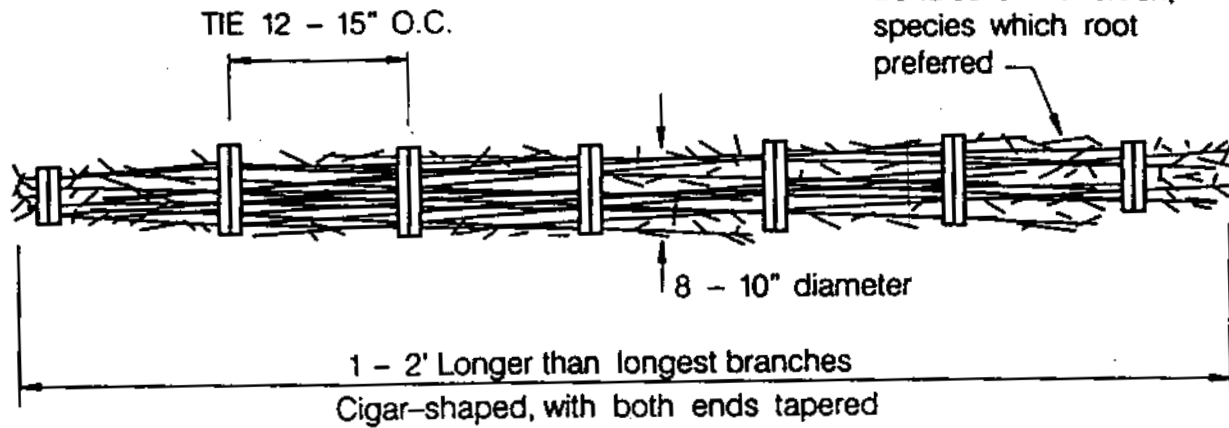
TYPICAL SECTION

VEGETATION, Low Energy Only

Not to Scale

Plate 3

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Bundles of live brush,
species which root
preferredWATTLING INSTALLATION:

1. Place 1st Stake on contour, 3' - 4' O.C.
2. Excavate trench. Depth = $\frac{1}{2}$ - $\frac{2}{3}$ of Diameter.
3. Place wattling in trench
4. Place 2nd stake through wattling, 3' - 4' O.C.
5. Cover wattling promptly. Wattling to be approx. $\frac{1}{3}$ above grade and 10 - 20% left exposed.

THE IMPORTANCE OF FILTERING

Inadequate filtering, or the absence of it, can eventually contribute to failure of the erosion control effort. Although filtering is one of the most important design details, it is probably the most neglected; and hence leads to many failures. In Figure 1, large rocks have been placed on an eroding slope without an adequate filter. As waves break on the slope, much of the water seeps into the soil and carries minute soil particles with it as it exits through the stone voids. Because the voids between the rocks are much larger than the coarsest soil particles, the particles pass unhindered through the stones. The bank then erodes behind the rocks as they settle into the slope.

Figure 2 shows two alternatives of filtering water through the bank. A properly selected stone gradation containing approximately 8% fines by weight will retard the flow path of water and absorb the wave action. A properly designed synthetic filter fabric will prevent soil particles from passing through the stone. A synthetic filter fabric (8 ounce mesh) can provide a uniform mesh with a consistent opening size which will allow water to pass but prevent the soil from passing back through, thereby halting the underlying erosion.

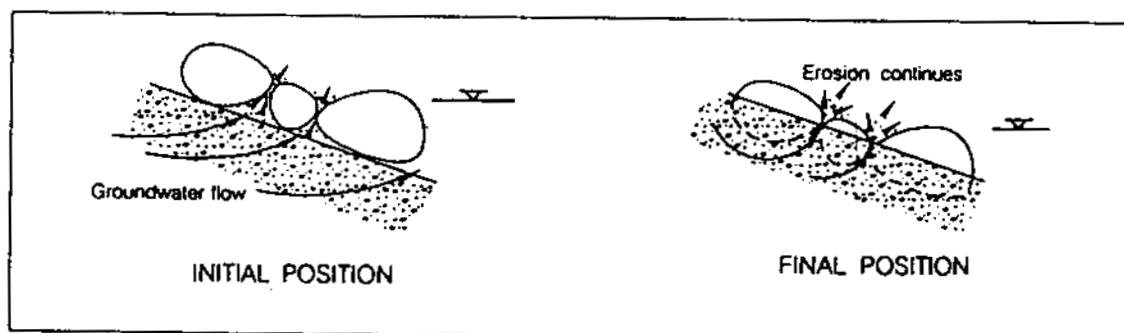


FIGURE 1 Inadequate or No Filtering

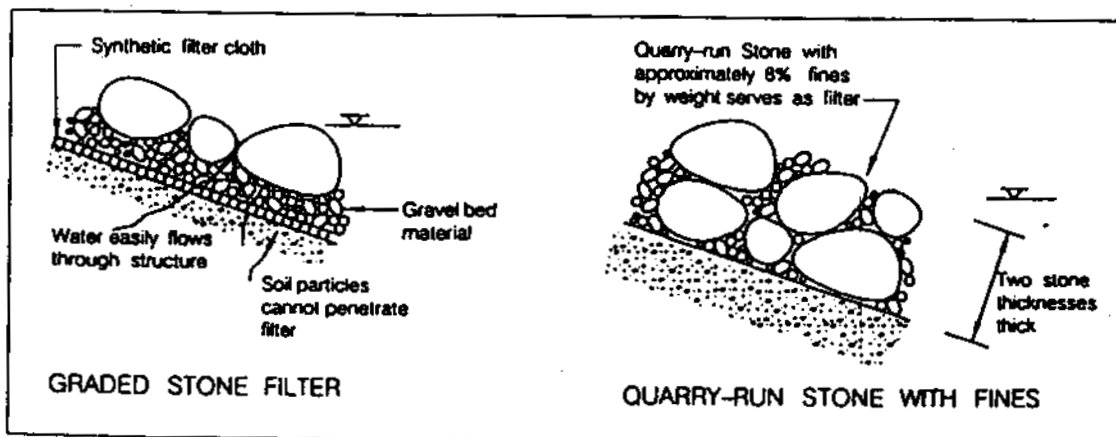
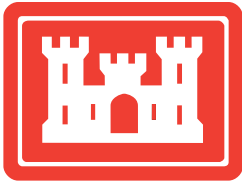


FIGURE 2 Proper Filter Design



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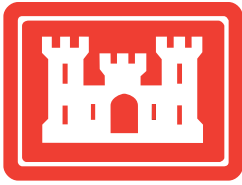
Grandfathered Activities

Permit	Allocation	Last Name	Monument Num.
1015	4	Latham	921-1-2B
1021	4	Pitts	403-6
1042	4	Willems	1230-2-0 = 1229-9
1045	4	Hinshaw	403-5
1048	3	Adams	329-1A
1052	3	Carr	329-2A
1055	4	Freeman	403-6
1056	4	Laws	403-6
1061	4	Schluterman	1229-11
1085	4	Lensing	2111-1
1097	4	Andrews	349-1
1110	4	McKenzie	403-3
1116	3	Mizeracki	329-2A
1124	4	Murray	2402-1-2A
1131	3	Novero	329-1A
1133	4	Rowe	533-3
1136	4	Guthrie	326-1
1149	3	Robinson	404-1B
1173	3	Harris	1012-7D
1183	4	Schrivier	1230-2-2
1198	4	Brown	533-3
3065	2	Williams	412-17
3067	4	Arnold	403-5
3100	4	Anhalt	1122-2
3109	4	Buckley	1220-1A

1 = LDA, 2 = Natural, 3 = Scenic, 4 = Buffer, 5 = Navigation, 6 = LDA/Scenic, 7 = LDA/Natural

Permit	Allocation	Last Name	Monument Num.
3118	2	Etzkorn	1204-2
3131	3	Lawson	404-4
3142	2	Jones	417-1-3
3289	2	Needham	1128-2A
3341	2	Malone	424-1-5

1 = LDA, 2 = Natural, 3 = Scenic, 4 = Buffer, 5 = Navigation, 6 = LDA/Scenic, 7 = LDA/Natural



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

LDA Zones which has areas beyond the defined legal access (200' from property line to facility) for floating facilities.

L02-02 – 30%

L02-03 - 7%

L03-01 - 7%

L03-02 - 71%

L03-03 – 46%

L03-04 – 11%

L03-05 – 89%

L03-06 – 10%

L03-08 – 28%

L03-09 – 16%

L04-02 – 87%

L04-03 – 16%

L04-04 – 71%

L04-05 – 9%

L04-07 – 55%

L05-01 – 57%

L05-02 – 25%

L05-05 – 18%

L05-07 – 47%

L11-01 - 43%

L11-03 - 15%

L11-04 – 42%

L12-02 - 80%

L12-05 – 19%

L12-08 – 19%

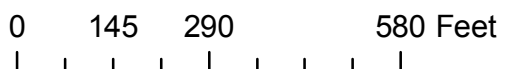
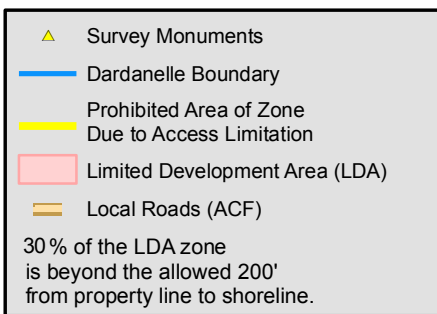
L14-02 – 62%

L17-01 – 48%

L17-02 – 41%

L18-01 – 77%

Limited Development Area (LDA): L02-02

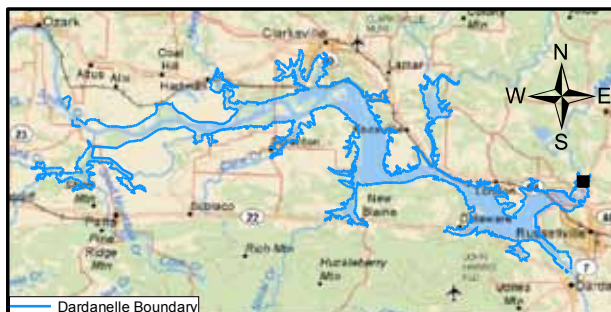


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Limited Development Area (LDA): L02-03



- ▲ Survey Monuments
 - Dardanelle Boundary
 - Prohibited Area of Zone Due to Access Limitation
 - Limited Development Area (LDA)
 - Local Roads (ACF)
- 7 % of the LDA zone is beyond the allowed 200' from property line to shoreline.

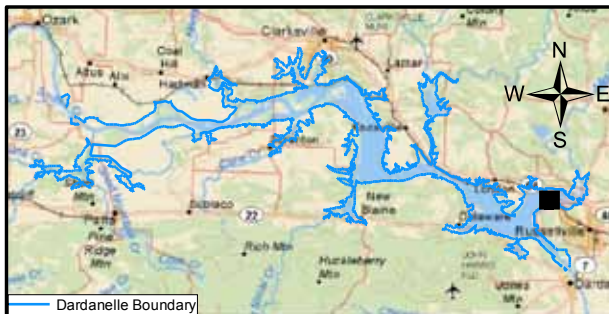
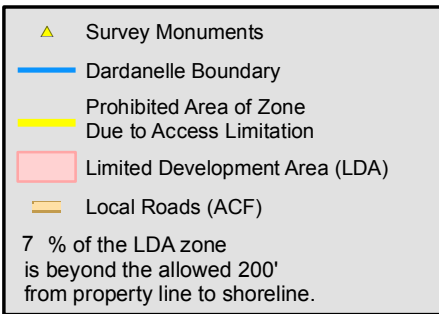


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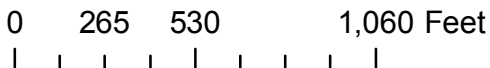
0 70 140 280 Feet

This image is an approximate representation and may not be used as a legal document due to errors in the generation process. Copies of survey plats and shoreline allocation maps may be obtained through the Russellville Project Office. The Corps of Engineers is not responsible for any incorrect information provided in this map.

Limited Development Area (LDA): L03-01

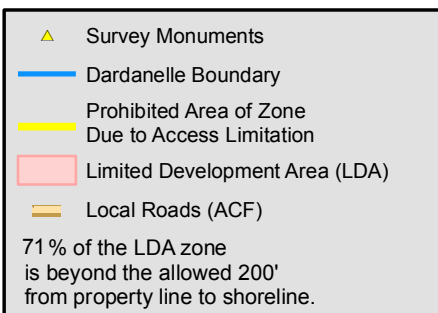


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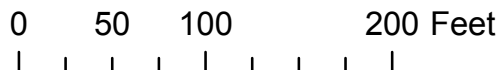


This image is an approximate representation and may not be used as a legal document due to errors in the generation process. Copies of survey plats and shoreline allocation maps may be obtained through the Russellville Project Office. The Corps of Engineers is not responsible for any incorrect information provided in this map.

Limited Development Area (LDA): L03-02



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Limited Development Area (LDA): L03-03



- ▲ Survey Monuments
 - Dardanelle Boundary
 - Prohibited Area of Zone Due to Access Limitation
 - Limited Development Area (LDA)
 - Local Roads (ACF)
- 46% of the LDA zone is beyond the allowed 200' from property line to shoreline.

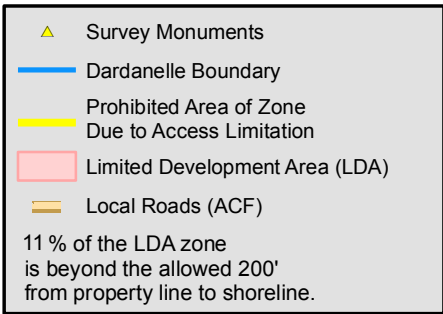


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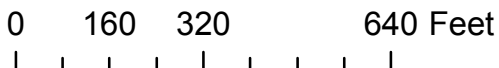
0 100 200 400 Feet

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Limited Development Area (LDA): L03-04








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Limited Development Area (LDA): L03-05

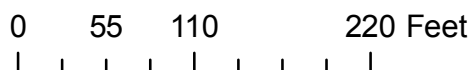


-  Survey Monuments
 -  Dardanelle Boundary
 -  Prohibited Area of Zone
Due to Access Limitation
 -  Limited Development Area (LDA)
 -  Local Roads (ACF)
- 89% of the LDA zone
is beyond the allowed 200'
from property line to shoreline.

89% of the LDA zone
is beyond the allowed 200'
from property line to shoreline.



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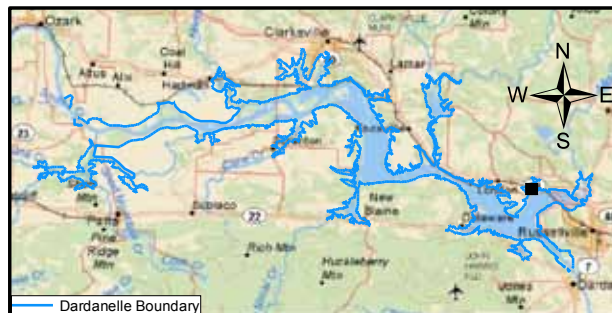


This image is an approximate representation and may not be used as a legal document due to errors in the generation process. Copies of survey plats and shoreline allocation maps may be obtained through the Russellville Project Office. The Corps of Engineers is not responsible for any incorrect information provided in this map.

Limited Development Area (LDA): L03-06



- ▲ Survey Monuments
 - Dardanelle Boundary
 - Prohibited Area of Zone Due to Access Limitation
 - Limited Development Area (LDA)
 - Local Roads (ACF)
- 10% of the LDA zone is beyond the allowed 200' from property line to shoreline.

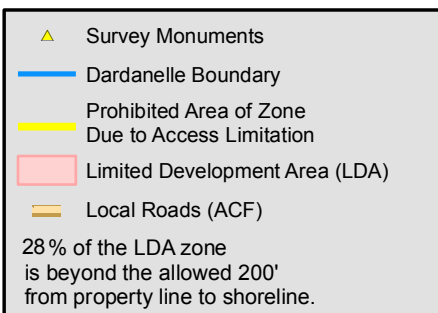


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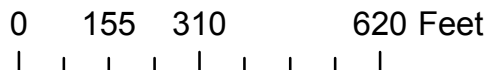
0 80 160 320 Feet

This image is an approximate representation and may not be used as a legal document due to errors in the generation process. Copies of survey plats and shoreline allocation maps may be obtained through the Russellville Project Office. The Corps of Engineers is not responsible for any incorrect information provided in this map.

Limited Development Area (LDA): L03-08

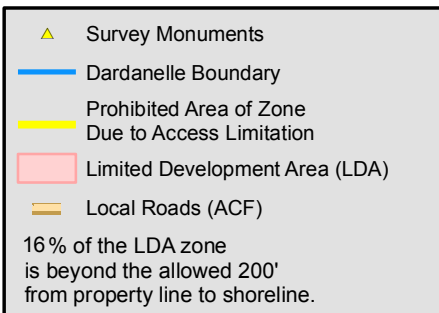


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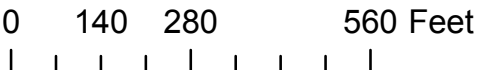


This image is an approximate representation and may not be used as a legal document due to errors in the generation process. Copies of survey plats and shoreline allocation maps may be obtained through the Russellville Project Office. The Corps of Engineers is not responsible for any incorrect information provided in this map.

Limited Development Area (LDA): L03-09








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Limited Development Area (LDA): L04-02

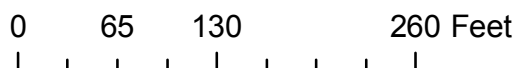


-  Survey Monuments
 -  Dardanelle Boundary
 -  Prohibited Area of Zone
Due to Access Limitation
 -  Limited Development Area (LDA)
 -  Local Roads (ACF)
- 87% of the LDA zone
is beyond the allowed 200'
from property line to shoreline.

87 % of the LDA zone
is beyond the allowed 200'
from property line to shoreline.



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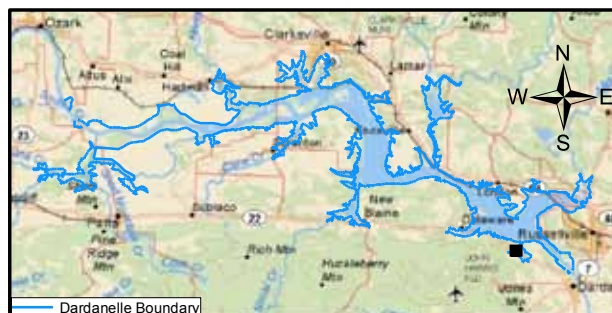


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Limited Development Area (LDA): L04-03



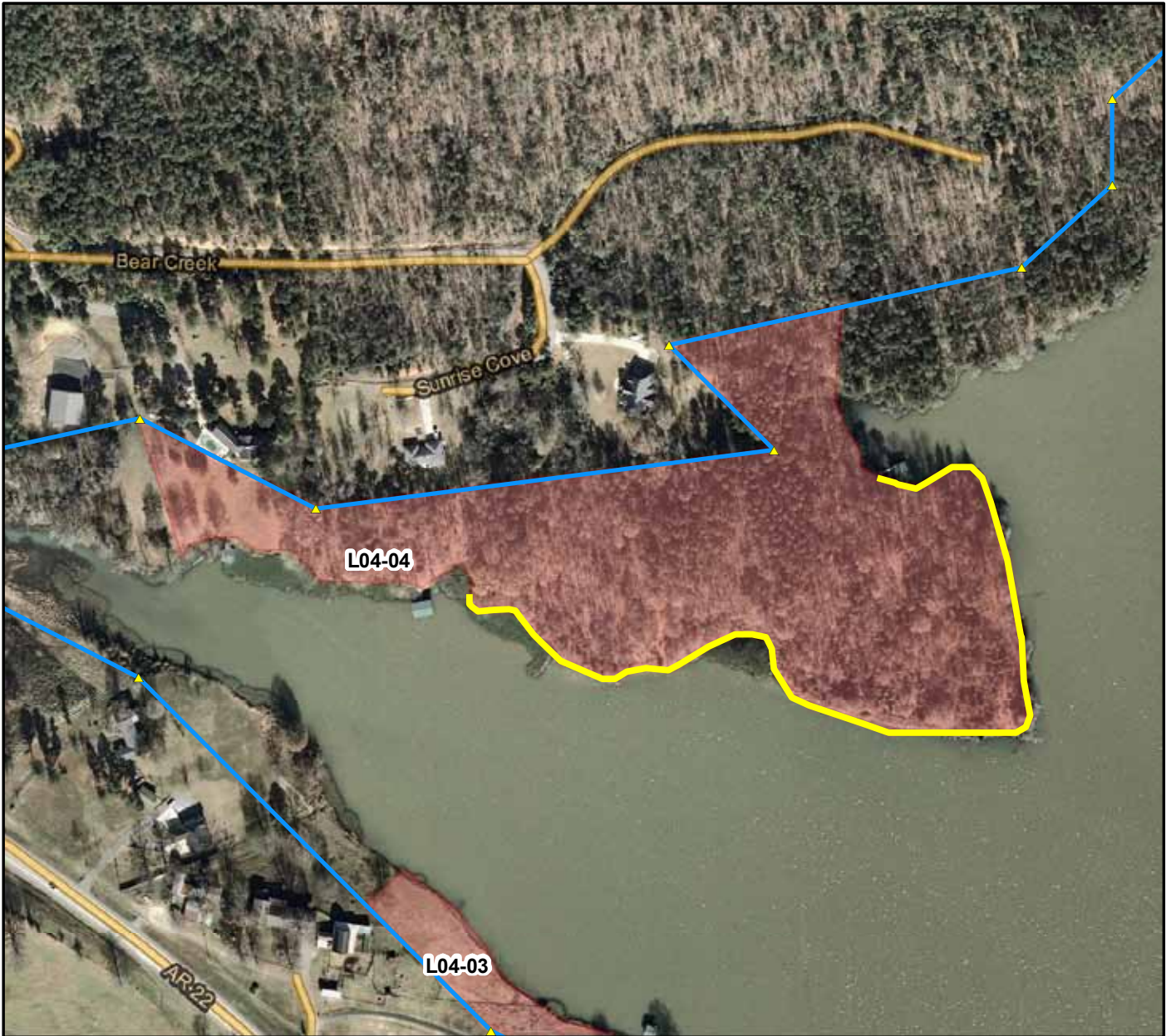
- ▲ Survey Monuments
 - Dardanelle Boundary
 - Prohibited Area of Zone Due to Access Limitation
 - Limited Development Area (LDA)
 - Local Roads (ACF)
- 16% of the LDA zone is beyond the allowed 200' from property line to shoreline.








0 75 150 300 Feet

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Limited Development Area (LDA): L04-04

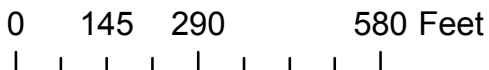


-  Survey Monuments
 -  Dardanelle Boundary
 -  Prohibited Area of Zone
Due to Access Limitation
 -  Limited Development Area (LDA)
 -  Local Roads (ACF)
- 71% of the LDA zone
is beyond the allowed 200'
from property line to shoreline.

71 % of the LDA zone
is beyond the allowed 200'
from property line to shoreline.



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Limited Development Area (LDA): L04-05



- ▲ Survey Monuments
 - Dardanelle Boundary
 - Prohibited Area of Zone Due to Access Limitation
 - Limited Development Area (LDA)
 - Local Roads (ACF)
- 9 % of the LDA zone is beyond the allowed 200' from property line to shoreline.








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0 100 200 400 Feet

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Limited Development Area (LDA): L04-07

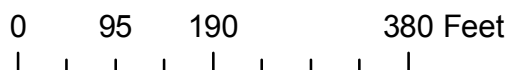


-  Survey Monuments
 -  Dardanelle Boundary
 -  Prohibited Area of Zone
Due to Access Limitation
 -  Limited Development Area (LDA)
 -  Local Roads (ACF)
- 55% of the LDA zone
is beyond the allowed 200'
from property line to shoreline.

55 % of the LDA zone
is beyond the allowed 200'
from property line to shoreline.








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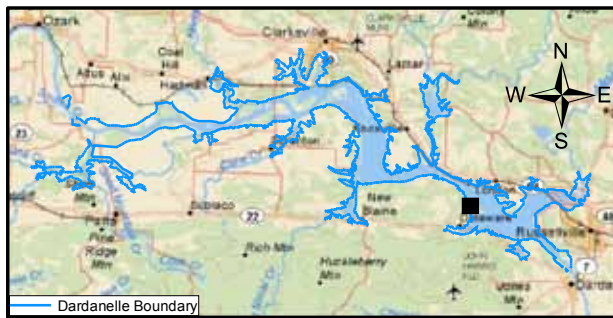
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Limited Development Area (LDA): L05-01

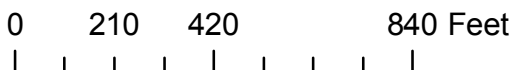


-  Survey Monuments
 -  Dardanelle Boundary
 -  Prohibited Area of Zone
Due to Access Limitation
 -  Limited Development Area (LDA)
 -  Local Roads (ACF)
- 57% of the LDA zone
is beyond the allowed 200'
from property line to shoreline.

57 % of the LDA zone
is beyond the allowed 200'
from property line to shoreline.








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Limited Development Area (LDA): L05-02

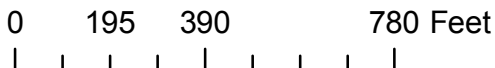


-  Survey Monuments
 -  Dardanelle Boundary
 -  Prohibited Area of Zone
Due to Access Limitation
 -  Limited Development Area (LDA)
 -  Local Roads (ACF)
- 25% of the LDA zone
is beyond the allowed 200'
from property line to shoreline.

25 % of the LDA zone
is beyond the allowed 200'
from property line to shoreline.

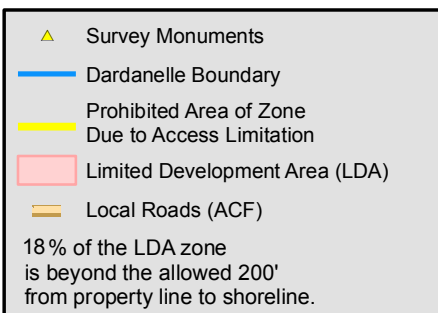


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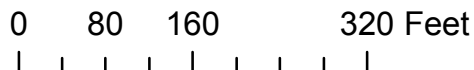


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Limited Development Area (LDA): L05-05

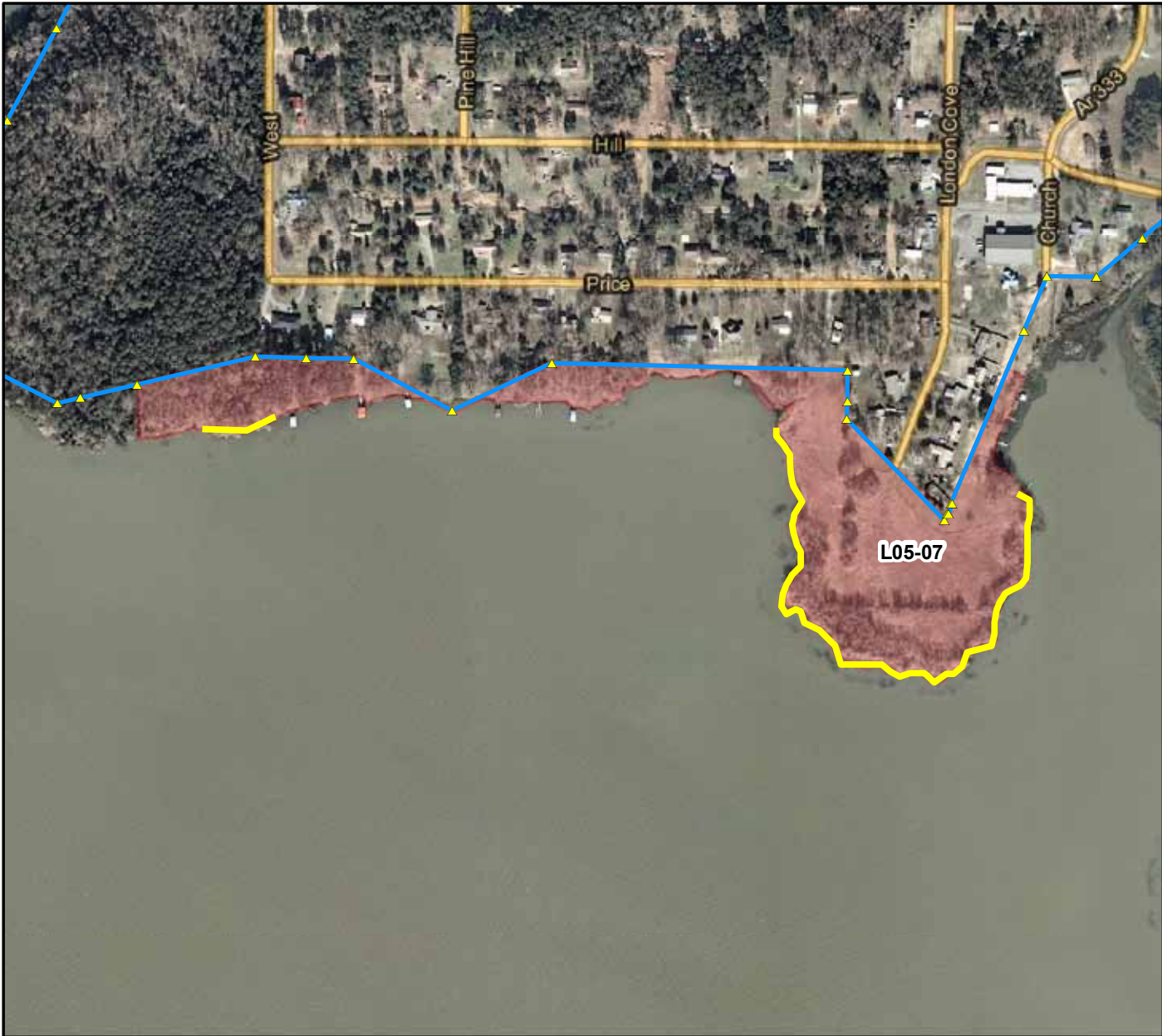







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Limited Development Area (LDA): L05-07

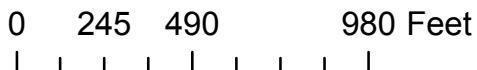


-  Survey Monuments
 -  Dardanelle Boundary
 -  Prohibited Area of Zone
Due to Access Limitation
 -  Limited Development Area (LDA)
 -  Local Roads (ACF)
- 47% of the LDA zone
is beyond the allowed 200'
from property line to shoreline.

47 % of the LDA zone
is beyond the allowed 200'
from property line to shoreline.

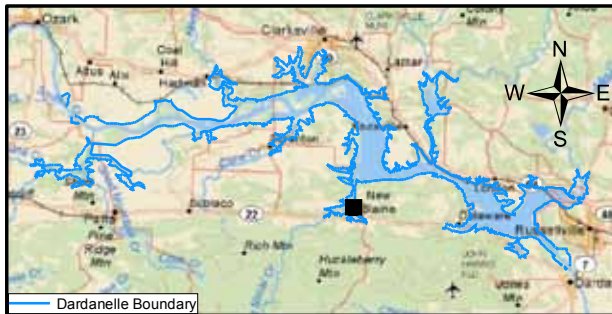
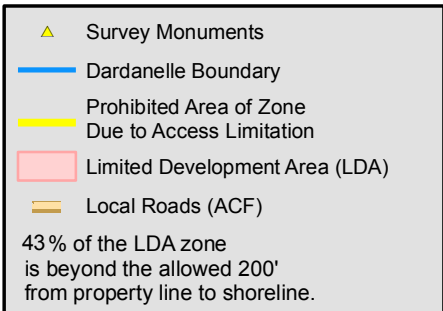


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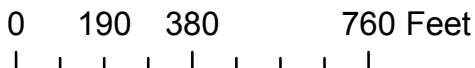


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Limited Development Area (LDA): L11-01








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Limited Development Area (LDA): L11-03

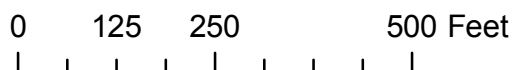


-  Survey Monuments
 -  Dardanelle Boundary
 -  Prohibited Area of Zone
Due to Access Limitation
 -  Limited Development Area (LDA)
 -  Local Roads (ACF)
- 15% of the LDA zone
is beyond the allowed 200'
from property line to shoreline.

15% of the LDA zone
is beyond the allowed 200'
from property line to shoreline.








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Limited Development Area (LDA): L11-04

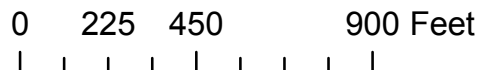


-  Survey Monuments
 -  Dardanelle Boundary
 -  Prohibited Area of Zone
Due to Access Limitation
 -  Limited Development Area (LDA)
 -  Local Roads (ACF)
- 42% of the LDA zone
is beyond the allowed 200'
from property line to shoreline.

42% of the LDA zone
is beyond the allowed 200'
from property line to shoreline.








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Limited Development Area (LDA): L12-02

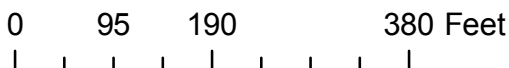


-  Survey Monuments
 -  Dardanelle Boundary
 -  Prohibited Area of Zone
Due to Access Limitation
 -  Limited Development Area (LDA)
 -  Local Roads (ACF)
- 80% of the LDA zone
is beyond the allowed 200'
from property line to shoreline.

80 % of the LDA zone
is beyond the allowed 200'
from property line to shoreline.








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Limited Development Area (LDA): L12-05

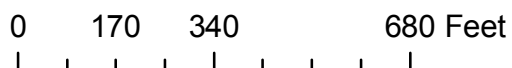


-  Survey Monuments
 -  Dardanelle Boundary
 -  Prohibited Area of Zone
Due to Access Limitation
 -  Limited Development Area (LDA)
 -  Local Roads (ACF)
- 19% of the LDA zone
is beyond the allowed 200'
from property line to shoreline.

19% of the LDA zone
is beyond the allowed 200'
from property line to shoreline.








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Limited Development Area (LDA): L12-08

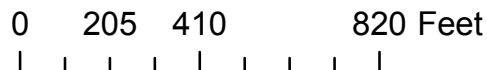


-  Survey Monuments
 -  Dardanelle Boundary
 -  Prohibited Area of Zone
Due to Access Limitation
 -  Limited Development Area (LDA)
 -  Local Roads (ACF)
- 19% of the LDA zone
is beyond the allowed 200'
from property line to shoreline.

19% of the LDA zone
is beyond the allowed 200'
from property line to shoreline.

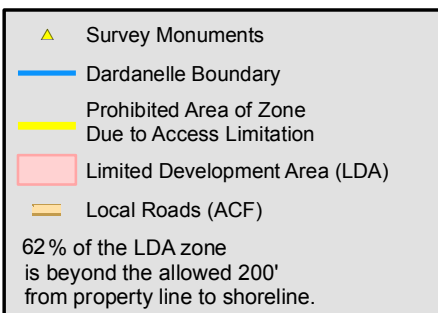


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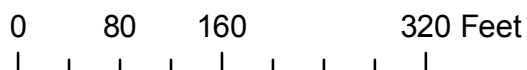


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Limited Development Area (LDA): L14-02



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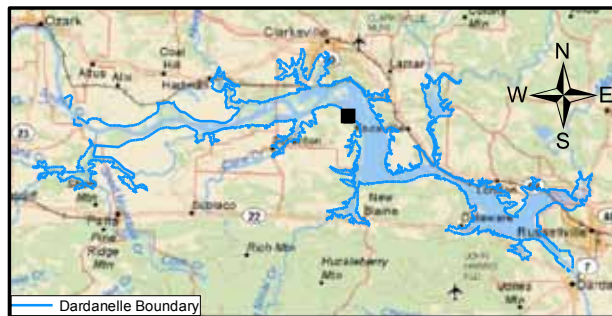


This image is an approximate representation and may not be used as a legal document due to errors in the generation process. Copies of survey plats and shoreline allocation maps may be obtained through the Russellville Project Office. The Corps of Engineers is not responsible for any incorrect information provided in this map.

Limited Development Area (LDA): L17-01



- ▲ Survey Monuments
 - Dardanelle Boundary
 - Prohibited Area of Zone Due to Access Limitation
 - Limited Development Area (LDA)
 - Local Roads (ACF)
- 48 % of the LDA zone is beyond the allowed 200' from property line to shoreline.

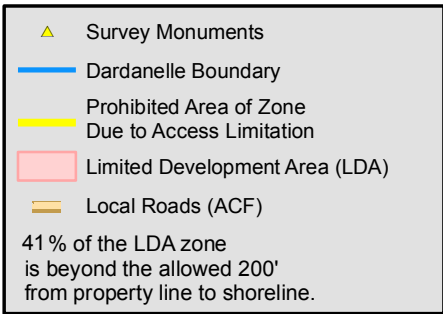


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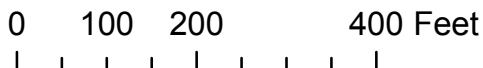
0 150 300 600 Feet

This image is an approximate representation and may not be used as a legal document due to errors in the generation process. Copies of survey plats and shoreline allocation maps may be obtained through the Russellville Project Office. The Corps of Engineers is not responsible for any incorrect information provided in this map.

Limited Development Area (LDA): L17-02



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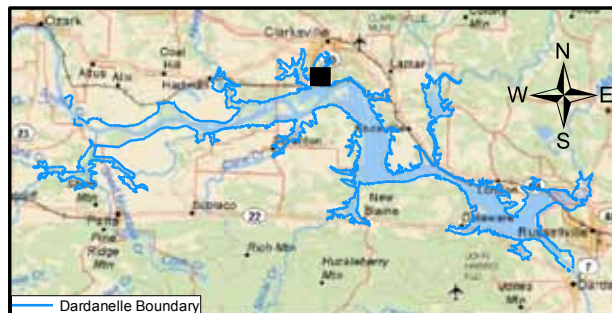


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Limited Development Area (LDA): L18-01



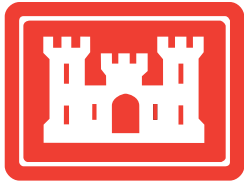
- ▲ Survey Monuments
 - Dardanelle Boundary
 - Prohibited Area of Zone Due to Access Limitation
 - Limited Development Area (LDA)
 - Local Roads (ACF)
- 77% of the LDA zone is beyond the allowed 200' from property line to shoreline.



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0 275 550 1,100 Feet

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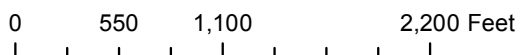
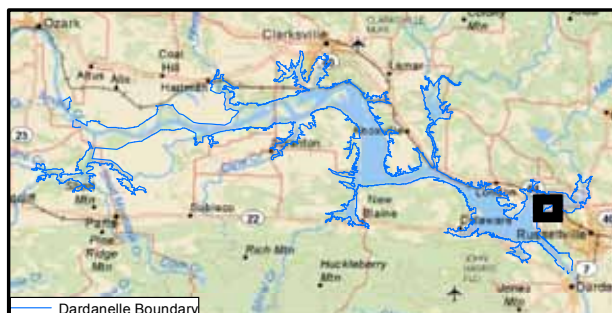
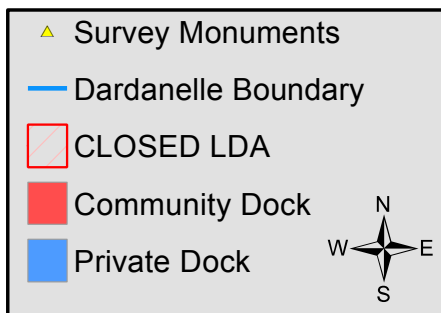


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Listed below are the LDA zones that are closed to private floating facility requests. The maximum 50% density of the zone has been reached, as stated in the SMP, only community dock requests will be evaluated.

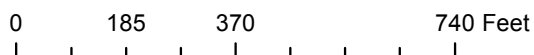
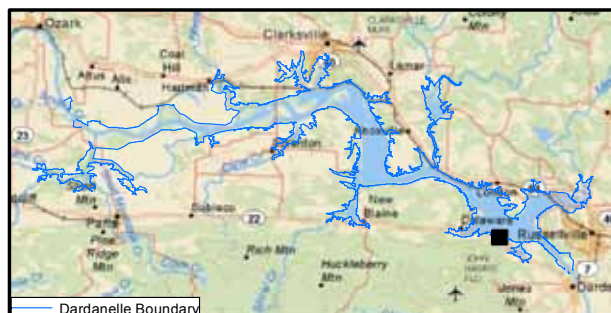
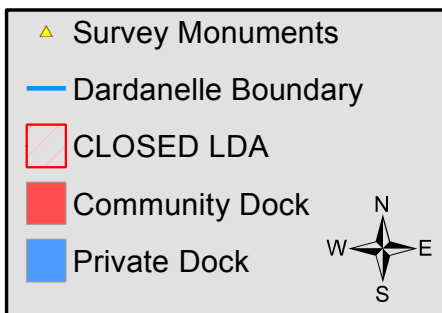
L03-01
L04-07
L04-08
L04-09
L05-04
L08-02
L08-03
L09-01
L09-02
L11-02
L12-01
L12-04
L12-07
L12-09
L12-12
L13-01

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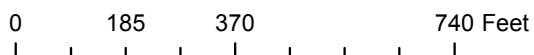
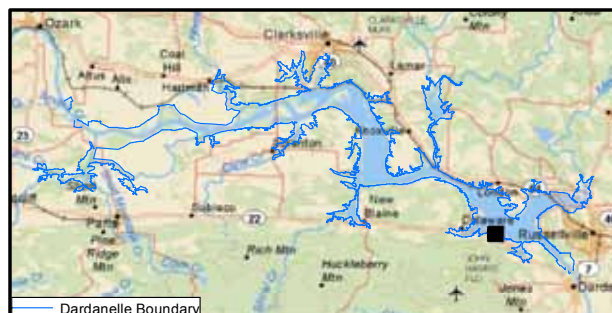
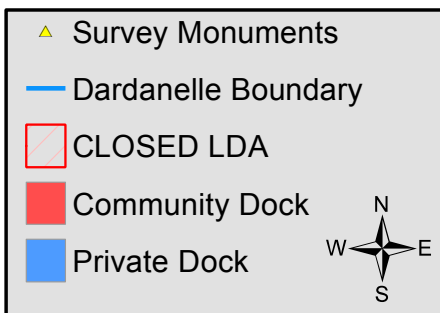
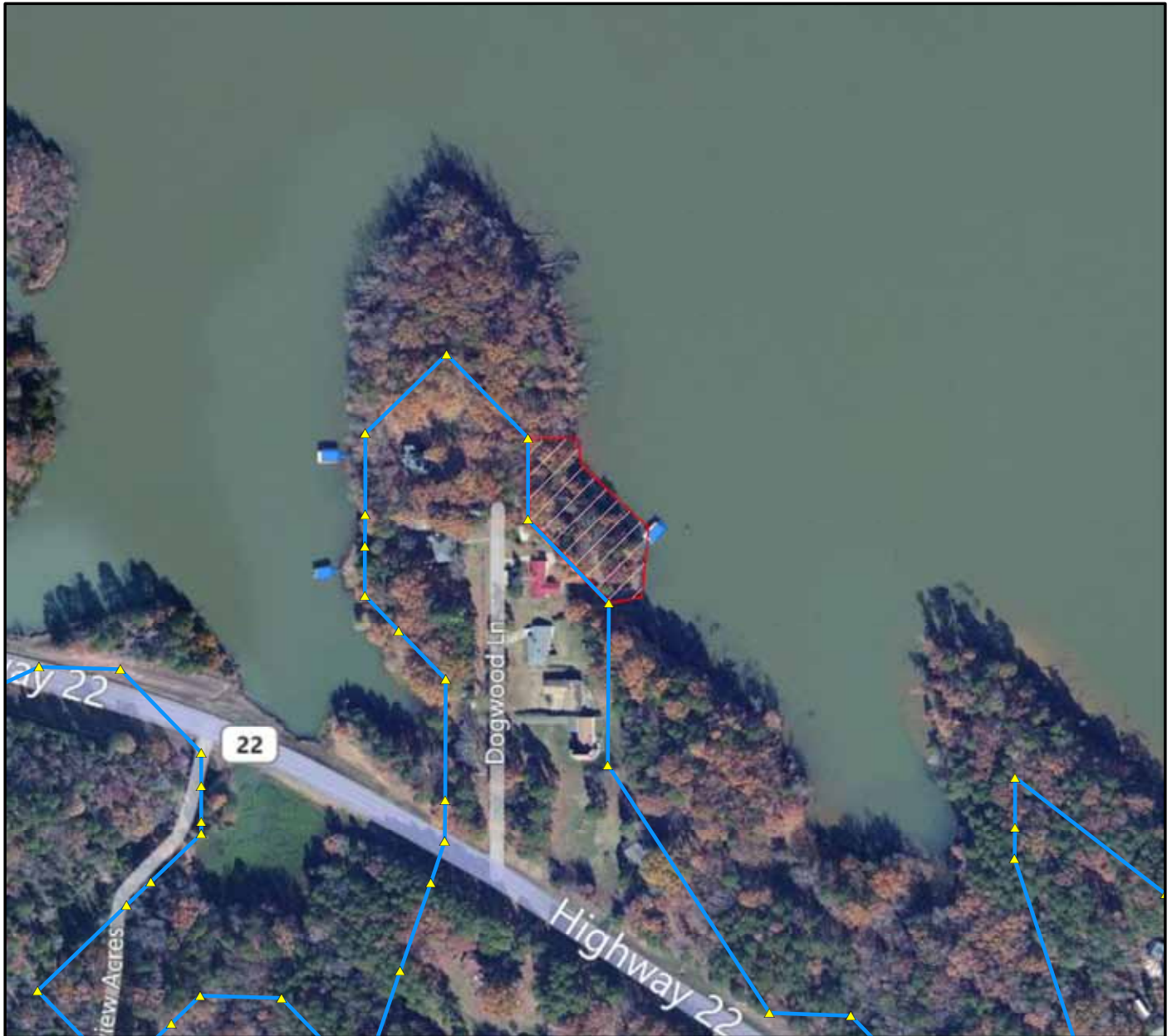
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CLOSED TO PRIVATE FLOATING FACILITIES - ZONE L04-07



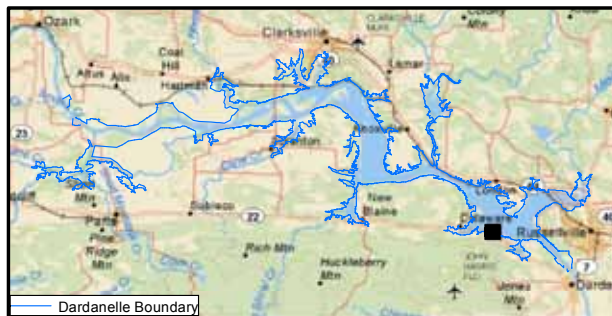
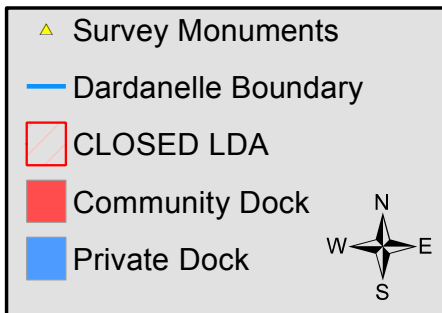
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CLOSED TO PRIVATE FLOATING FACILITIES - ZONE L04-08



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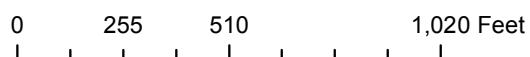
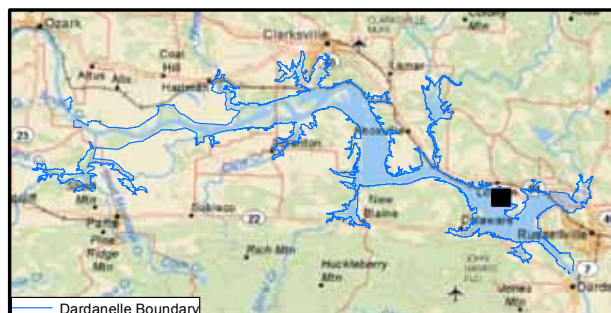
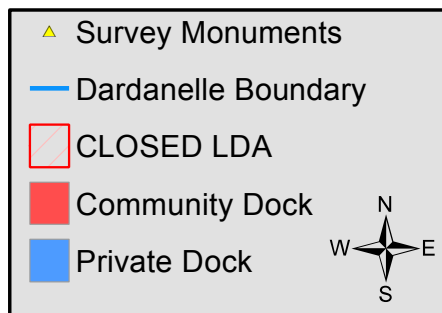


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0 185 370 740 Feet

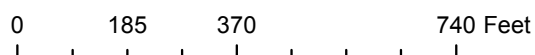
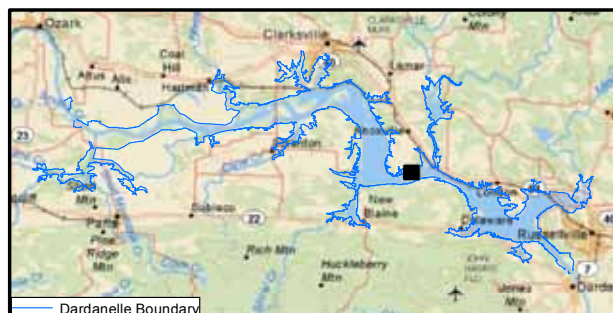
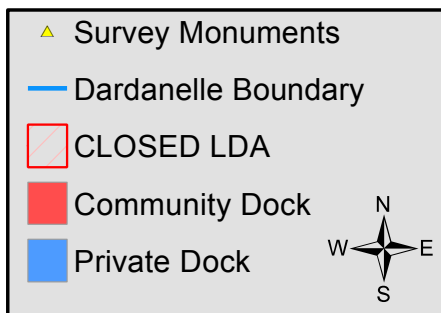
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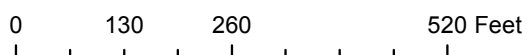
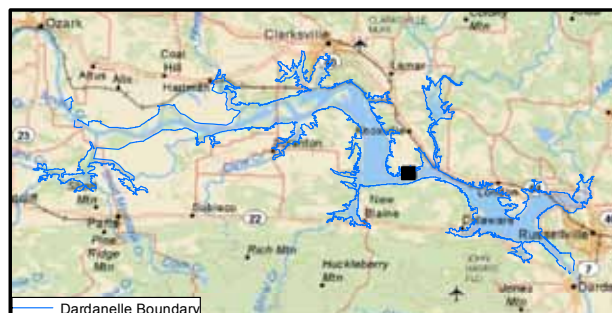
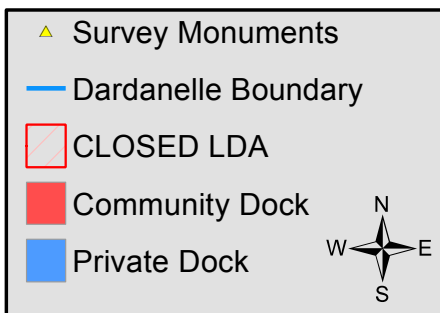
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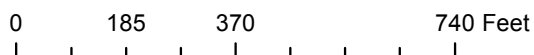
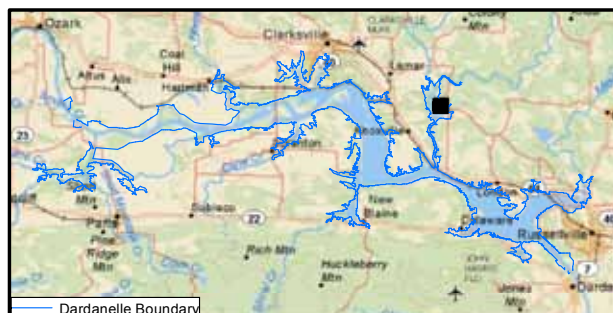
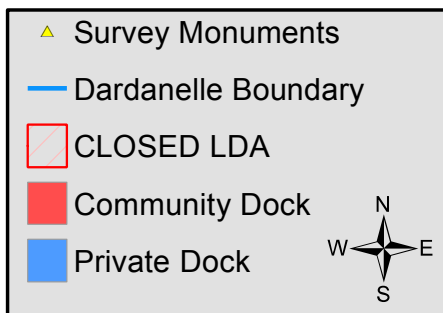
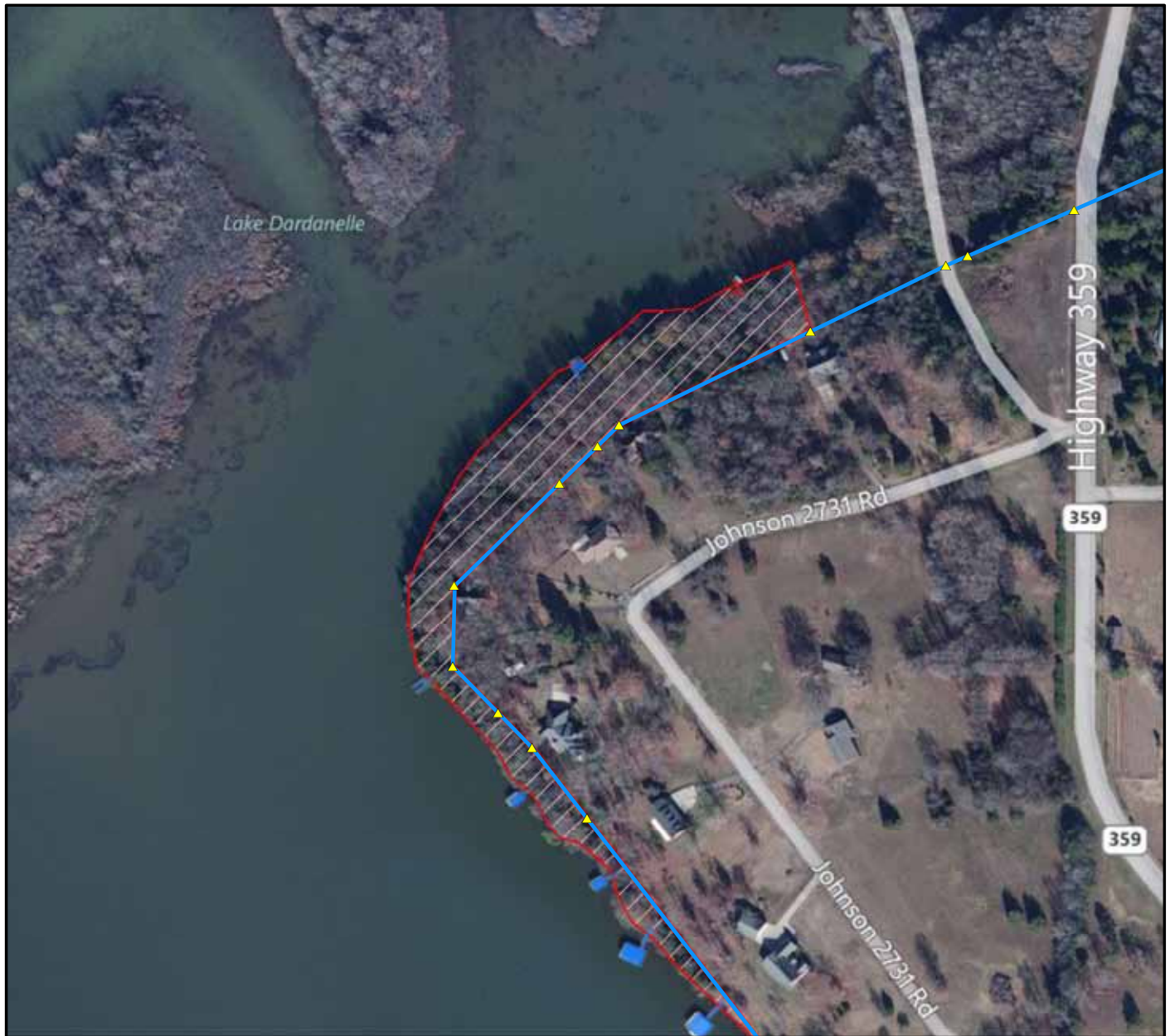
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CLOSED TO PRIVATE FLOATING FACILITIES - ZONE L08-03



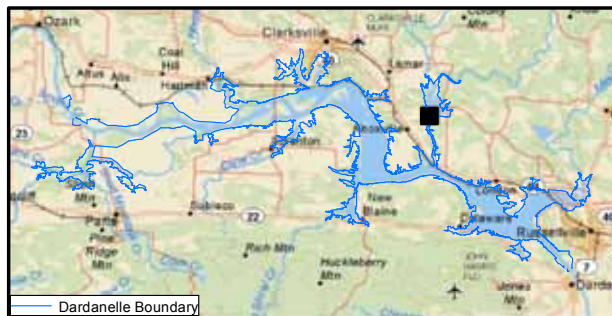
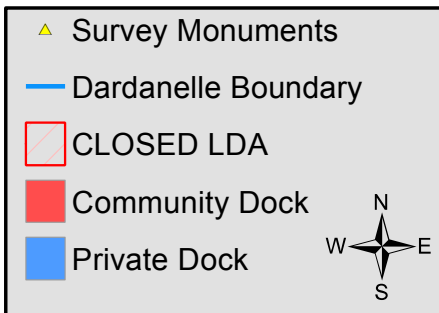
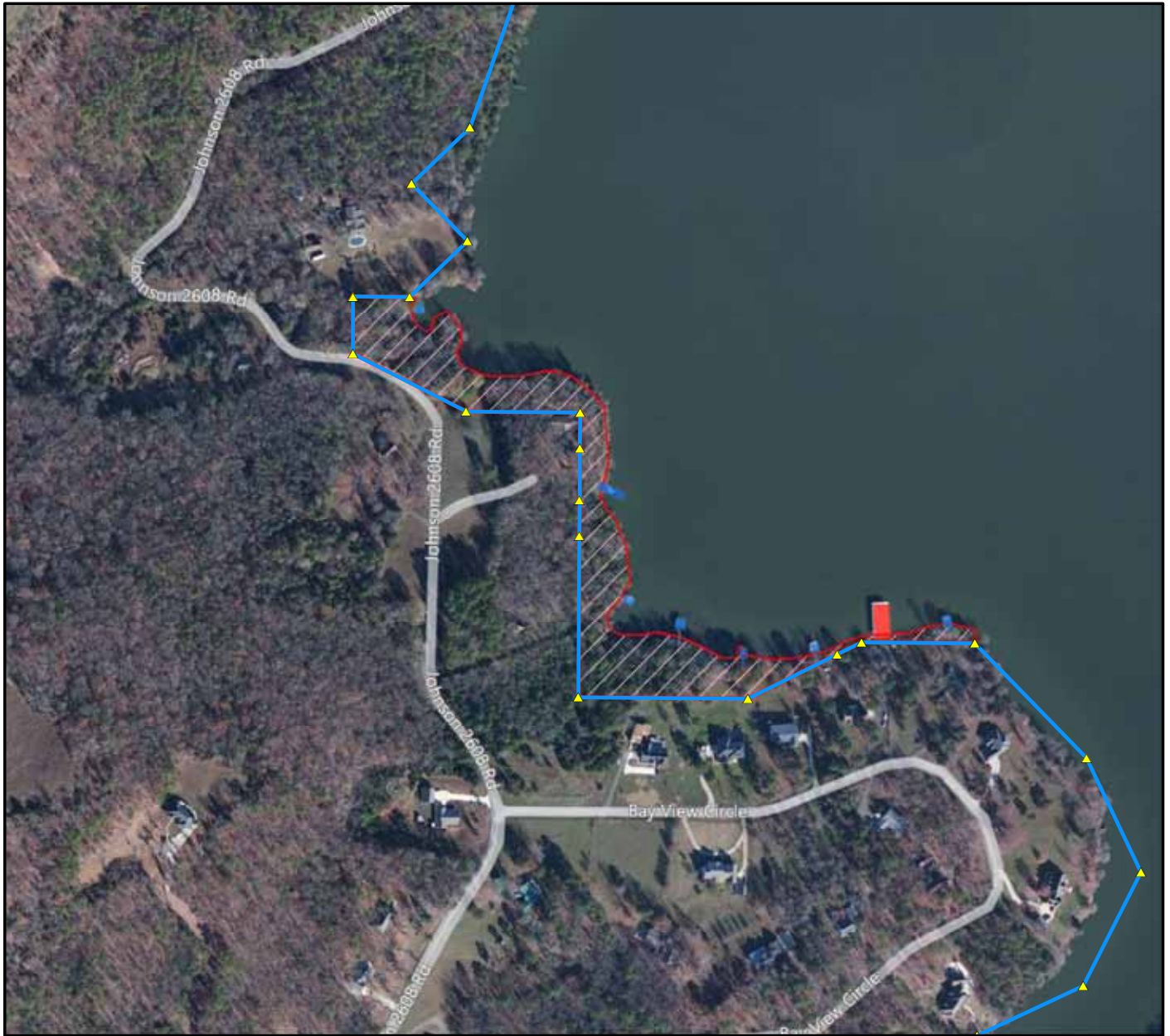
This image is an approximate representation and may not be used as a legal document due to errors in the generation process. Copies of survey plats and shoreline allocation maps may be obtained through the Russellville Project Office. The Corps of Engineers is not responsible for any incorrect information provided in this map.

CLOSED TO PRIVATE FLOATING FACILITIES - ZONE L09-01

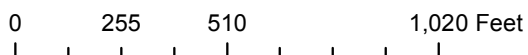


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CLOSED TO PRIVATE FLOATING FACILITIES - ZONE L09-02

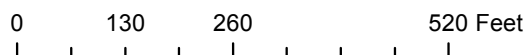
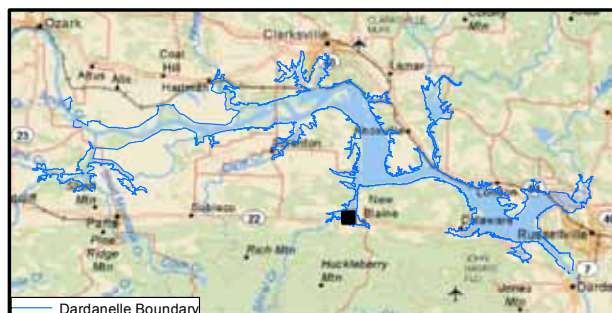
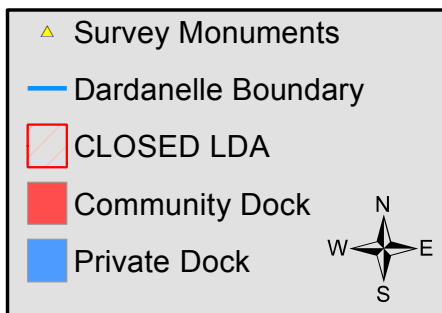


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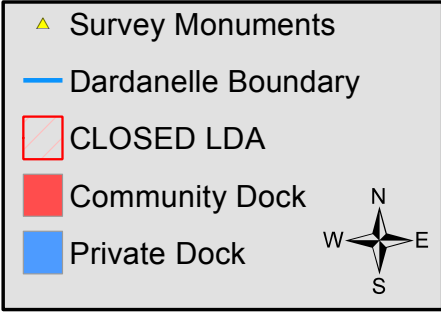
This image is an approximate representation and may not be used as a legal document due to errors in the generation process. Copies of survey plats and shoreline allocation maps may be obtained through the Russellville Project Office. The Corps of Engineers is not responsible for any incorrect information provided in this map.

CLOSED TO PRIVATE FLOATING FACILITIES - ZONE L11-02

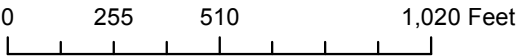


This image is an approximate representation and may not be used as a legal document due to errors in the generation process. Copies of survey plats and shoreline allocation maps may be obtained through the Russellville Project Office. The Corps of Engineers is not responsible for any incorrect information provided in this map.

CLOSED TO PRIVATE FLOATING FACILITIES - ZONE L12-01

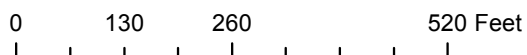
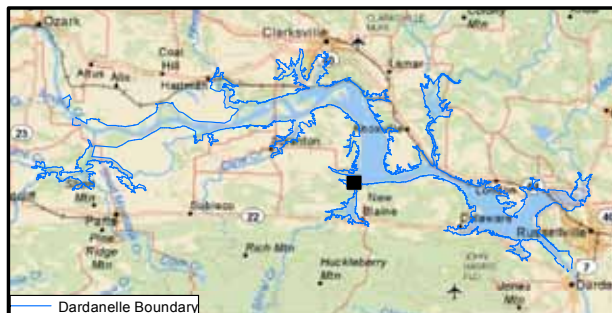
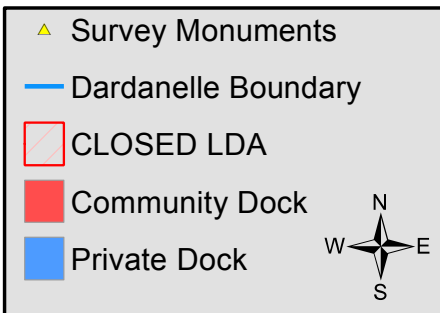


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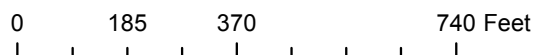
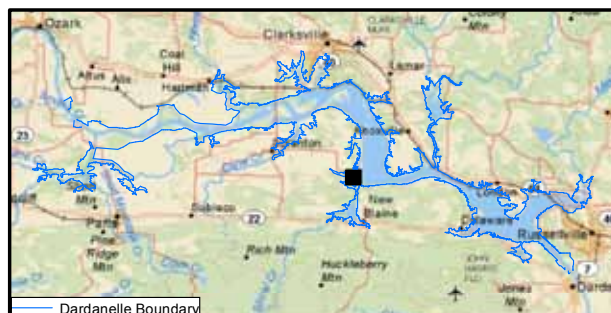
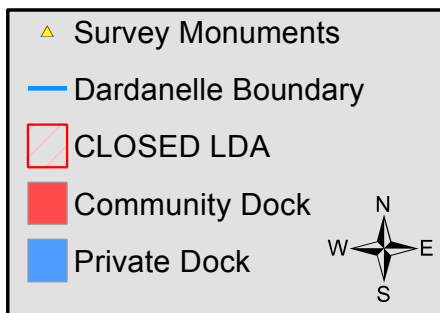
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CLOSED TO PRIVATE FLOATING FACILITIES - ZONE L12-04



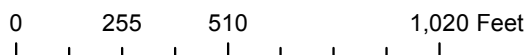
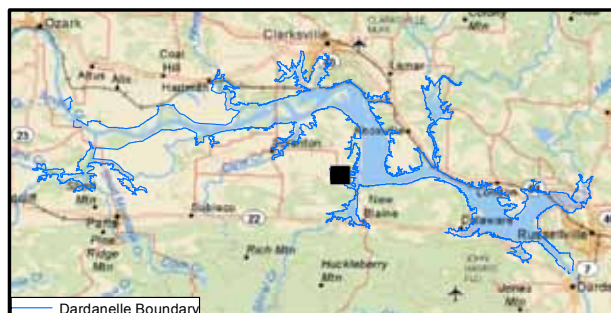
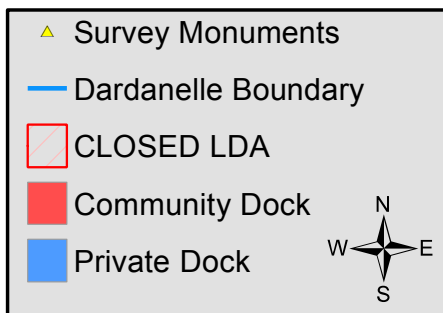
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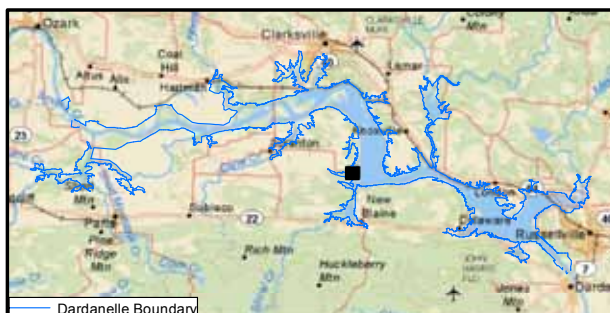
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CLOSED TO PRIVATE FLOATING FACILITIES - ZONE L12-12

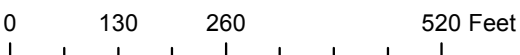


▲ Survey Monuments
 — Dardanelle Boundary
 [Red Hatched Box] CLOSED LDA
 [Red Box] Community Dock
 [Blue Box] Private Dock

N
 W — E
 S

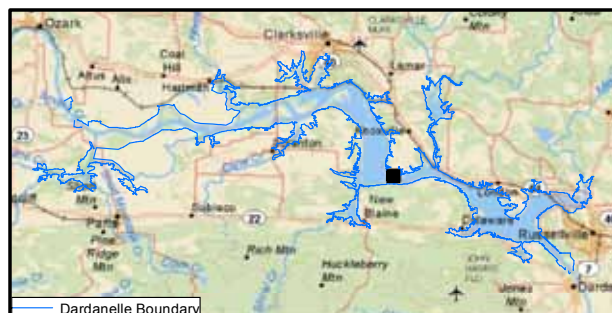
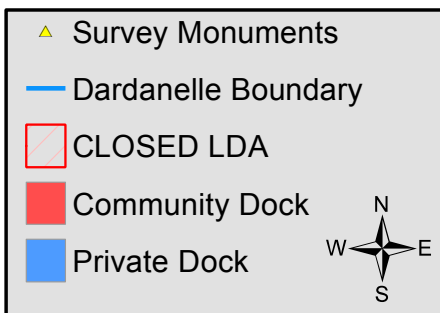



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0 130 260 520 Feet

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MOORING BUOY REQUIREMENTS

1. Mooring buoys will be permitted only in areas allocated for limited development in the approved Shoreline Management Plan for Lake Dardanelle or in conjunction with commercial marina operations. The buoys will be placed so that neither the buoy nor the moored craft will interfere with navigation.
2. The applicants have the responsibility of seeing that their buoys and vessels moored to them are lighted and/or marked in accordance with all applicable U.S. Coast Guard requirements. The Coast Guard requires that power driven vessels and sailing vessels under 164' must display anchor lights except those under 65' in "special anchorage areas." An anchor light is displayed in the forepart of the vessel. Vessels less than 23' in length are not required to display anchor lights unless anchored where other vessels normally navigate. The Corps of Engineers can add special lighting conditions as necessary to the Coast Guard requirements. The Corps also can deny a request for a mooring buoy due to causing a safety hazard for boaters.
3. Requests for mooring buoys at locations that are not allocated for limited development will be kept on file and considered in the 5-year review of the Shoreline Management Plan.
4. There is no mandatory shape or size specified for mooring buoys. They shall have a minimum projected area of 416 square inches above the water when the buoy is floating in an upright position. The projected area is calculated by multiplying the diameter of the buoy times the exposed height above the water. For example, a buoy 13 inches in diameter would have to extend at least 32 inches above the water ($13 \times 32 = 416$). Mooring buoys must have a minimum height of 18 inches above the water. Such a buoy would require a 24 inch diameter to meet the projected area requirement.
5. The outer shell of the mooring buoy shall be of a smooth, rustproof material, at least 1/8 inch thick, white in color. The buoy will be constructed of materials that will not become waterlogged or sink if punctured. A 3/8 inch metal rod with 1-1/2 inch diameter eyes on each end may be used to attach anchor and rigging lines. All metal parts, with the exception of the anchor line, will be hot-dipped galvanized or stainless steel.
6. All mooring buoys will be marked with a minimum 4 inch band of blue reflective plastic sheeting. The top of the band will be placed 4 inches below the top of the buoy and parallel to the water when the buoy is floating upright. The blue band shall have a minimum projected area of 52 square inches.
7. The anchor will be adequate to hold the mooring buoy and vessel within a 100 foot radius of the authorized mooring area in

a 50 MPH wind. The anchor line will be a minimum of a 3/8 inch steel cable, 5/16 inch chain, or equivalent. All rigging shall be equivalent to 3/8 inch iron rod. All mooring lines will have a tensile strength of at least 2,000 pounds.



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SHORELINE ZONE LIMITS

* Zones extend from the boundary monument to the water by way of the closest route unless otherwise noted.

LIMITED DEVELOPMENT

South of River:

Segment 4

Zone:	Monument Numbers:	Comments:
L04-01	Begin 404-5 End 404-10	
L04-02	416-2-2 150' SE of 416-2-3	ROW, S side of Hwy 22 E side of ditch
L04-03	100' NW of 413-2-B 413-5-A	ROW, N side of Hwy 22
L04-04	413-11 411-1-2A	
L04-05	412-7 412-13	* N from monument to water * N from monument to water
L04-06	412-18 424-1-4	* NE from monument to water * E from monument to water
L04-07	100' NW of 424-1-8A 424-1-11	* SE from monument to water
L04-08	424-1-19 424-1-21=425-2	* SE from monument to water * E from monument to water
L04-09	425-3 424-2-3A	* NW from monument to water ROW, N side of Hwy 22

Segment 6

Zone:	Monument Numbers:	Comments:
L06-01	Begin 626-1A End 50' NE of 626-4	
L06-02	626-7 626-10=611-1	County line
L06-03	612-2 613-6	

(Limited Development, cont.)

Segments 5 and 7

Zone: Monument Numbers:
L05-01 Begin 533-5
End 704-9

Comments:

Segment 11

Zone: Monument Numbers:
L11-01 Begin 1122-1=1127-1
End 1128-2

Comments:

There was no access under
200' visible beyond this
point.

L11-02 200' NE of 1132-1-3#1109-1
1132-1-3=1109-1

L11-03 1126-2=1112-2-1
1114-4

On the point; * E from
monument to water

L11-04 1119-2-2=1115-6
1117-4

Segment 12

Zone: Monument Numbers:
L12-01 Begin 1204-3
End 1204-6

Comments:

L12-02 1205-2
1205-4

L12-03 1203-4=1209-1
1209-5

L12-04 200' SW of 1209-6A
1209-6A

L12-05 1209-7
1209-11

L12-06 1208-1-4
1208-1-4A

L12-07 1208-1-6
250' NW of 1208-1-6B

L12-08 330' NW of 1208-1-6C
80' NW of 1208-2-5=1229-1

L12-09 660' NW of 1208-2-5=1229-1
100' NW of 1229-2A

(Limited Development, cont.)

L12-10	1230-1-2=1229-7 1229-8=1230-2-1
L12-11	1220-2 1220-5
L12-12	1233-2 50' NW of 1233-3=1223-1

Segment 17

Zone:	Monument Numbers:	Comments:
L17-01	Begin 1727-1-10 End 1727-1-14	
L17-02	1726-1A 1727-2-2	

Segment 21

Zone:	Monument Numbers:	Comments:
L21-01	Begin 2102-1-6A End 2102-1-10	
L21-02	2121-1-12 2128-1-1	

North of River:

Segments 3 (partial) and 2

Zone: Monument Numbers:

Comments:

L03-01 Begin 318-1
End 202-2

L02-01 221-7
221-12=223-1

L02-02 223-5A
234-2A

L02-03 243-9
240-2

L02-04 240-4
244-3

L02-05 245-26
239-2

Segment 3 (partial)

Zone: Monument Numbers:

Comments:

L03-02 Begin 349-2
End 349-2A

L03-03 349-5
349-14

L03-04 347-2=353-1
368-2-A

L03-05 165' NE of 357-2
357-2

L03-06 344-1-3
550' SE of 344-2-2

L03-07 342-4A
40' NE of 342-5B

L03-08 341-10
340-4

L03-09 339-3
336-3

L03-10 328-2
383-2-2=308-1

(Limited Development, cont.)

Segment 5

Zone: Monument Numbers:

L05-02 Begin 505-2-1
End 506-3=502-2-1

Comments:

* N from monument to water
* W from monument to water

L05-03 510-7
511-3

L05-04 513-5
100' NW of 515-1A

ROW, W side of Flatwood
Road

L05-05 517-6
517-12=518-1

L05-06 380' SE of 519-2
100' NE of 519-2

L05-07 150' SW of 512-1A
528-1-1A

Segment 9

Zone: Monument Numbers:

L09-01 Begin 921-1-13A
End 921-1-17A

Comments:

L09-02 908-6
908-14

Segment 8

Zone: Monument Numbers:

L08-01 Begin 816-10B
End 816-11

Comments:

L08-02 815-1-5
815-1-6

L08-03 815-1-8
815-1-8A

L08-04 812-3
812-5

* SW from monument to water
* N from monument to water

(Limited Development, cont.)

Segment 13

Zone: Monument Numbers:
L13-01 1314-2
1314-2A

Comments:

L13-02 1302-1-2
1302-1-3

Segment 14

Zone: Monument Numbers:
L14-01 Begin CA-12
End 1423-1

Comments:

L14-02 1423-5
1423-5B

Segment 18

Zone: Monument Numbers:
L18-01 Begin 1803-1-15
End 1803-1-26

Comments:

SCENIC

South of River:

Segments 1 and 4

Zone: Monument Numbers:
 S01-01 Begin 123-1
 End 404-5

Comments:

S04-01 411-1-2A
 410-1-6

Segment 7

Zone: Monument Numbers:
 S07-01 Begin 709-5
 End 800-1

Comments:

Segments 8, 13 and 12 (partial)

Zone: Monument Numbers:
 S08-01 Begin 803-1=801-4
 End 1202-8C

Comments:

Segments 11 and 12 (partial)

Zone: Monument Numbers:
 S11-01 Begin 1117-4
 End 1204-1B

Comments:

Segments 23 and 27

Zone: Monument Numbers:
 S23-01 Begin 2301-8
 End End of bluff line

Comments:

End of this section of
 the bluff line; near old
 steel pilings; no plat
 or number available

North of River:

Segment 1

Zone:	Monument Numbers:	Comments:
S01-02	Begin 126-1G	
	End 127-10	

Segment 3

Zone:	Monument Numbers:	Comments:
S03-01	Begin 150' SW of 358-1	At Hwy 64
	End 361-2	
S03-02	361-10	
	360-8	At Hwy 64
S03-03	336-6=326-1	* E from monument to water,
	328-2	does not include canal;
		From 336-6=326-1 to
		331-2=330-1, zoning is classified
		as scenic from the top of the
		bluff to the water and waterward.
		From the boundary line to the top
		of the bluff, and not to exceed
		the bluff line, the zoning is
		natural.

Segment 5

Zone:	Monument Numbers:	Comments:
S05-01	Begin 513-1B	
	End 513-5	

Segments 8 (partial) and 9 (partial)

Zone:	Monument Numbers:	Comments:
S08-02	Begin 835-10	
	End 921-1-2C	

Segments 10 and 9 (partial)

Zone:	Monument Numbers:	Comments:
S10-01	Begin 1007-5	
	End 1006-1-8	
S10-02	1020-4	
	908-6	

Segments 9 (partial) and 8 (partial)

Zone:	Monument Numbers:	Comments:
S09-01	Begin 908-14	
	End 839-1-2	

Segment 13

Zone: Monument Numbers:
S13-01 Begin 1302-3-7=1301-1-1
End 1301-1-6=1301-2-1

Comments:

Segment 14

Zone: Monument Numbers:
S14-01 Begin 1413-7
End CA-12

Comments:

Segment 16

Zone: Monument Numbers:
S16-01 Begin 1602-1-1
End 1602-1-2

Comments:

BUFFER

By Park:

Riverview Park

Zone: Monument Numbers:

B01-01 Begin 110-5
End 123-1

Comments:

State Park - Dardanelle

Zone: Monument Numbers:

B04-01 Begin 403-8
End 404-10

Comments:

At park boundary

* From 404-10 and extending SE for 415', zoning is classified as buffer from the tree line to the water's edge and waterward. From the boundary line to the tree line, not to exceed the tree line and not to exceed 85' at the widest point, the zoning is natural.

B04-02 401-1
401-2

At park boundary
At Highway 22

B04-03 401-7
401-10-A

At Highway 22
At Highway 22

Delaware Park

Zone: Monument Numbers:

B05-01 Begin 535-10=532-1-1
End 604-14

Comments:

At park boundary

B05-02 533-1=532-1-2
533-5

At park boundary

Shoal Bay Park

Zone: Monument Numbers:

B12-01 Begin 1201-1=1122-5
End 1202-8C

Comments:

At park boundary

B11-01 1122-3
1122-1=1127-1

At park boundary

Dublin Park

Zone:	Monument Numbers:	Comments:
B12-02	Begin 1228-2=1227-1	
	End 1229-8=1230-2-1	
B12-03	1221-1-5	
	1220-2	

Cane Creek Park

Zone:	Monument Numbers:	Comments:
B21-01	Begin 2118-1-3	At park boundary
	End 2106-1-35=2119-1	* N from monument to water
B21-02	2111-1	At park boundary
	2106-2-2	
B21-03	2121-1-9	* N from monument to water
	2121-2-4	* E from monument to water

Six Mile Park

Zone:	Monument Numbers:	Comments:
B27-01	Begin 2702-1-A	At park boundary
	End 2700-46A	
B27-02	2704-11=2703-2	At park boundary
	2706-1-4=2704-9	

Old Post Road Park

Zone:	Monument Numbers:	Comments:
B01-02	Begin 100-3=126-1	
	End 126-1G	

State Park - Russellville

Zone:	Monument Numbers:	Comments:
B03-01	Begin 316-1	At park boundary
	End 326-1	
B01-03	127-13	At park boundary
	127-10	

Shiloh Park

Zone:	Monument Numbers:	Comments:
B02-01	Begin 235-3	At park boundary
	End 235-6	At Pleasant View Road

Dwight Mission Park

Zone: Monument Numbers:

B03-02 Begin 349-1
End 349-2

Comments:

At park boundary

B02-02 214-1A
100' N of 214-1

At park boundary

Includes back of cove

Flat Rock Park

Zone: Monument Numbers:

B08-02 Begin 835-2
End 835-10

Comments:

At park boundary

B08-01 838-8
838-4

At park boundary (may be
stamped incorrectly in
field)

Piney Bay Park

Zone: Monument Numbers:

B09-02 Begin 915-2=924-6
End 917-1

Comments:

At Highway 359

At Highway 359

B09-03 921-2-3
921-1-11

At Highway 359

B09-01 921-1-6=921-5
921-1-2C

At park boundary

Highway 64 Cove Park (Proposed)

Zone: Monument Numbers:

B08-03 Begin 827-1
End 828-9

Comments:

At park boundary

B08-04 818-1=821-1
817-3

At park boundary

Cabin Creek Park

Zone: Monument Numbers:

B14-01 Begin 1403-1-5
End 1402-3

Comments:

At park boundary

B14-02 1408-1
1407-4

At park boundary

B14-03 1407-10A
1405-1-3

(Buffer, cont.)

Spadra Park

Zone: Monument Numbers:

B18-01 Begin 1803-1-6
End 1803-2-5

Comments:

At park boundary

B18-02 1803-1-11
1803-1-12

At park boundary

Horsehead Park

Zone: Monument Numbers:

B24-01 Begin 2404-3
End 2402-1-2

Comments:

At park boundary

B24-02 2407-2=2411-1
2411-2

At park boundary

NAVIGATION

South of River:

Segment 15

Zone:	Monument Numbers:	Comments:
N15-01	Begin 1508-2=1500-1-1	
	End 1500-1-17	

Segments 17 and 21

Zone:	Monument Numbers:	Comments:
N17-01	Begin R-27	
	End R-45	

Segment 23

Zone:	Monument Numbers:	Comments:
N23-01	Begin 2302-2-4=2302-1-1	
	End 2301-8	

Segment 27

Zone:	Monument Numbers:	Comments:
N27-01	Begin Levee corner	Boundary monument
	End 2715-1-9	unavailable

Segment 29

Zone:	Monument Numbers:	Comments:
N29-01	Begin 2715-1-16D	
	End 2715-1-18	

Segments 31 and 36

Zone:	Monument Numbers:	Comments:
N31-01	Begin Boundary corner	Boundary monument
		unavailable
	End County line of	Boundary monument
	Franklin and Logan	unavailable
	approximately	

(Navigation, cont.)

North of River:

Segments 5, 7, and 8

Zone: Monument Numbers:

Comments:

N05-01 Begin 528-1-21
End 711-2

N07-01 711-23
711-24

N07-02 711-27
711-28

N07-03 711-33=712-1
712-2

N07-04 712-6
712-7

N07-05 713-2
840-1

At railroad

N08-01 839-1-6
839-1-7

At railroad

Segments 16 and 18

Zone: Monument Numbers:

Comments:

N16-01 Begin 1614-1-13
End 1803-2-5

Segments 20 and 24

Zone: Monument Numbers:

Comments:

N20-01 Begin 2012-8=2024-3
End 2402-1-2

Segments 26 and 28

Zone: Monument Numbers:

Comments:

N26-01 Begin Hartman Levee station
142+42 approximately
End 2820-1

Boundary monument
unavailable

Segment 30

Zone: Monument Numbers:

Comments:

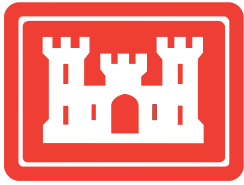
N30-01 Begin 3004-2
End 3018-1A

(Navigation, cont.)

Segment 36

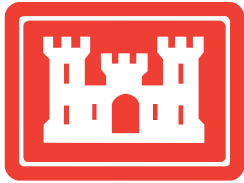
Zone: Monument Numbers:
N36-01 Begin Pond Creek
End Ozark L&D

Comments:
Boundary monument
unavailable
Boundary monument
unavailable



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Map showing Shoreline Management Zoning Breakdown can be obtained at the Russellville Project Office.



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COMMON SHORELINE DEFINITIONS

1. **COMMUNITY BOAT DOCKS** - Non-commercial group-owned boat dock.
2. **FEE LAND** - Land that the U. S. Government purchased outright in fee simple title.
3. **GRANDFATHERED ACTIVITY** - An activity that at one period of time was authorized by a written document but is no longer permissible. If a higher need of the land or water area is not needed then the specific activity can be continued under one of the following clauses.
 - a. For boat docks the facility should meet three conditions which are:
 - (1) be maintained in a usable and safe condition
 - (2) not occasion a threat to life or property
 - (3) the holder of the permit must be in substantial compliance with the existing permit;

New permits for these permitted facilities will be issued to new owners.

- b. Some activities will be renewed to new owners. If not defined in the Shoreline Management Plan, these will be decided on a case-by-case basis.
 - c. Some activities will expire upon expiration of the term and will not be renewed. If not defined in the Shoreline Management Plan, these will be decided on a case-by-case basis.
4. **OUTGRANT** - A lease, license, easement, permit or other written agreement issued at District-level by Real Estate Division for commercial or individual activities that are not covered under the Shoreline Use Program. These documents normally involve grade, cut or fill and/or construction of structures including activities such as masonry walkways, boat launching ramps and parking areas, roads, waterlines, and power lines.
5. **PERMITTEE** - The person who signs the permit and his or her legal spouse, whether they signed the permit or not.
6. **PERMITTED PRIVATE USE** - Activities, including, but not limited to, constructing floating facilities, modifying vegetation, performing erosion control are permissible by individuals through the Shoreline Management Permit Program.
7. **PRIVATE FLOATING FACILITIES** - Community and private boat docks, mooring buoys, ski jumps, and other related items which are privately owned and may not be open to the general public.
8. **PROJECT** - A U. S. Army Corps of Engineers water resource development area. In respect to this plan, it is the land and water areas of Lake Dardanelle.
9. **REAL ESTATE INSTRUMENT** - See outgrant.
10. **OPERATIONS PROJECT MANAGER** - The chief of the Russellville Project Office. The title

also refers to his authorized representatives which includes the Lake Manager and Rangers in the Russellville Project Office.

11. **SHORELINE** - The area of land that extends from the water's edge to the government boundary line or the "ordinary high water mark", whichever is greater.
12. **SHORELINE ALLOCATION** - The classifying of the land and water area into specific categories for management purposes. The area designated by a specific allocation is the shoreline and waterward of the water's edge.
13. **SHORELINE USE PERMIT** - Authorizing document issued at Project-level for permitted private uses of public land and water areas. These documents normally authorize activities such as, community and private boat docks, small tramways, mooring buoys, vegetation modification or erosion control projects.
14. **SHORELINE USE PERMIT/LICENSE** - Same as Shoreline Use Permit with additional authority for minor real estate activities such as electric to dock, water withdrawal and steps.
15. **UNDERBRUSHING** - The removal of vegetation such as vines, shrubs, and small trees provided all are under 2 inches in diameter measured 4.5' above the ground level. Removal of any vegetation larger than this is not considered underbrushing.
16. **VEGETATION MODIFICATION** - Any activity that affects the vegetation, including grasses, vines, shrubs or trees, located on public lands or in public waters. This activity includes, but is not limited to, mowing, clearing underbrush, herbiciding, and adding plantings.
18. **ZONE** - See shoreline allocation. Zone normally refers to a specific area within a shoreline allocation.

