

Meeting Memorandum

Table Rock Lake SMP Focus Groups – Meeting 1

Introduction

A series of three focus group meetings were held at Dewey Short Visitors Center in Branson, Missouri regarding the Table Rock Lake Shoreline Management Plan (SMP) update. Meeting groups and times were:

- Vegetative Modifications, August 25, 2015, 8AM-12AM
- Docks, August 25, 2015, 1PM-5PM
- Shoreline Allocations, August 26, 2015, 8AM-12AM

The purpose of these meetings was to serve as an introduction to the regulatory process and constraints surrounding each specific topic. Subsequent meetings aimed at generating comments and recommendations from the focus group members are currently scheduled to be held in September and October of 2015. The purpose of these meetings is to provide a mutually beneficial dialog relating to the betterment of the lake.

Focus group members were selected through voluntary requests issued to the United States Army Corps of Engineers Little Rock District during earlier Master Plan (MP) and SMP public scoping periods.

Following the SMP public scoping comment period, Little Rock District staff determined that top comments on the SMP update were related to vegetative management, docks, and shoreline allocations, which resulted in the formation of three focus groups assigned to each of these topics.

The purpose of this memo is to provide notes from each of the 4-hour meetings. The notes are broken down into a subsection of general notes, which provides general information shared during each of the three meetings, as well as a subsection for each of the three meetings containing discussion and comments specific to each focus group. Presentations from each of the three meetings are provided as attachments at the end of this memo.

General Notes

Randy Hathaway, Deputy District Engineer for the Little Rock District, began each of the meetings with an introduction and welcome. He explained that the focus group process was the result of lessons learned from the development of the Table Rock Master Plan. He provided a brief overview of the need of the SMP update including the rapid growth of population in the area, staffing limitations, and funding limitations. He spoke to the group about the inability to pull funds from other project funding sources (such as hydropower) to fund recreation. He explained that this meeting is meant to solicit input on the management of the lake as it relates to the SMP.

Dana Coburn, Little Rock District Project Manager for the Table Rock Lake SMP, then provided an overview of logistics and began introductions to the group. A list of staff in attendance at each meeting is provided below, a list of focus group members in attendance is provided in each specific focus group subsection of this memo.

- Randy Hathaway, Deputy District Engineer, Little Rock District
- Dana Coburn, Chief, Environmental Branch, Little Rock District
- Jim Cullum, Office of Counsel, Little Rock District
- Trish Tannehill, GIS, Table Rock Lake Project Office
- Greg Oller, Manager, Table Rock Lake Project Office
- Jim Sandberg, Operations Project Manager, Table Rock Lake Project Office
- Tony Porter, Deputy Director, Millwood Tri-Lakes Project Office
- Win Hargis, Deputy Operations Project Manager, Little Rock District
- Becky Shortt, Real Estate, Little Rock Lake Project Office
- Rodney Raley, Ranger, Table Rock Lake Project Office
- Kelly Collins, CDM Smith
- Donie Grimsley, CDM Smith

Dana Coburn provided a background of the lake. The current SMP was developed in 1996 and a copy of the current SMP was provided in binders to group members. The project team began the SMP update in October of 2014 and public scoping meetings were held in March 2015. The scoping report from these meetings was also included in the binders. Dana then provided an overview of the purpose of SMP based on Corps regulations. Presentations on regulations specific to each of the three focus groups were given, additional details on each of these presentations can be found within the focus group specific subsections in this memo.

Win Hargis led a discussion of budget and staffing limitations. He stated that restrictions on spending are different than they were in the past. In earlier years money was allocated in a bucket manner; but was not limited to lanes of spending. Current funding guidelines limit spending to specific line items. This has severely limited the ability to use leftover funds for a different purpose. He explained that the budget is based on a 5-year average. With decreases in funding, there will likely be decreases in staffing. There are currently five rangers dedicated to shoreline management when at full staff. There is \$545,000 annually to fund this staffing. Win encouraged the group to think of scenarios and concepts that would allow staff to manage the recreational and shoreline uses of the lake with limitations in budget and staff. He introduced the concept of a general permit (vegetative modification and/or docks) as an example of a concept aimed at reducing costs.

Presentations specific to each subgroup were given regarding current SMP guidelines. Additional details of these presentations can be found within the focus group specific subsections of this memo.

Dana explained next steps. She explained that the SMP is approved at the Division level, while the Master Plan was approved at the District level. She explained that there will be a Draft Release following the Focus Group meetings which will require public meetings as well as additional focus group meetings with a Final Plan expected to be released in February or March 2016. Dana agreed that the focus groups would be able to view the draft SMP update prior to release to the public. Dana also pointed out that this group is a focus group rather than an advisory group (per FACA regulations). While the comments and discussions from this group would be taken in consideration during formulation of the SMP update, the Corps is not obligated to incorporate these comments into the final plan.

Kelly Collins provided an overview of the process of these meetings. She explained that group members are expected to provide not only input on changes to the SMP but also recommendations on how to make the changes work for both the Corps and lake users. She explained that there will be

different viewpoints and that the Corps will take all of these into consideration. She explained that the Corps is asking these individuals to serve as ambassadors for the community to educate them on the process. She explained the process for the next meetings (small breakout groups with report outs) as well as ground rules. Ground Rules were explained as follows:

- Members will attend all meetings and agree to be prepared for each meeting.
- Members agree to focus on the issues/recommendations and refrain from unhelpful generalities, stereotyping and personal attacks.
- The personal integrity and values of each member will be respected.
- Members agree to discussion in good faith and not undermine or delay the discussions to avoid making commitments.
- Commitments will be kept.
- Members agree to identify and communicate clearly the assumptions they are making.
- Disagreements will be regarded as “problems to be solved” rather than as “battles to be won.”
- Members will be respectful of each other’s time.

Additionally, group members were asked to consider the following statements during group discussion:

- I believe that the other Focus Group members understand my point of view;
- I believe I understand other members’ points of view;
- I have offered alternatives that I believe will satisfy my interests and the interests of the other members;
- Whether or not I prefer another recommendation, I support this recommendation because it was arrived at openly and fairly, and it is the best solution for us at this time; and
- In the event there is no consensus on an issue or recommendation, the participants have noted the pros and cons of the approach to resolving the issue and are committed to moving the process forward.

Dana Coburn closed each meeting and thanked the members of each group for their time and input.

Vegetation Modification

This subsection contains details and discussion specific to the Vegetation Modification Focus Group meeting. Members of this focus group in attendance were:

- Jeff Justus – Missouri House of Representatives
- Don Cupps – Ellis Cupps, and Cole
- Carl Sievking – Holiday Hideaway Resort
- Greg Cassell – Missouri Department of Conservation
- Janet Bezzerides – Boeker Group Real Estate
- Dave Murray – RB Murray Company
- Gail Melgren – Tri-State Water Resources Coalition
- Stuart Murray – Representative Scott Fitzpatrick
- Eric Simkins – American Family Insurance
- Gopala Borchelt – Table Rock Water Quality, Inc

Mike Ussery was also in attendance representing Congressman Billy Long

Becky Shortt presented the Regulatory Framework for Vegetative Modification. A copy of this presentation is attached as Appendix A at the end of this document. Rodney Raley presented the

process of vegetative modification permitting. A copy of this presentation is included as Appendix B at the end of this document.

Discussion Points during this meeting included:

- Who writes Title 36? – Corps writes the regulations and they are submitted to Congress
- There was discussion of competing interests relating to permitted private use versus resource protection for public use (i.e. mowing, tree removal, etc)
- Dana explained that the vegetative management area serves as a natural buffer between the lake and land uses which potentially affects the water quality of the lake. She stated that the lake will eventually serve as a water supply source for the surrounding areas, and it is important to keep this future use in mind as changes to vegetative management regulations are developed.
- Gail Melgren stated that the Tri-State Water Resource Coalition has requested a small reallocation of water use for water supply for Southwest Missouri. If this request is granted, Tri-State Water Resource Coalition would provide the infrastructure for water supply. Gail stated that there is an interest in keeping water quality high based on future use of the lake as a water supply source.
- Dave Murray added that in his experience with golf courses and development, turf serves as an excellent filter if properly managed and seeded. He believes that citizens should be allowed to mow if they properly manage this land and he believes leaving the shoreline natural will allow additional runoff and erosion as oppose to properly managing turf. He believes that filtration through turf is the best approach, and stated that in his golf course experience 4 inches is the ideal height – shorter heights do not have adequate root structure; longer heights become sparse.
- Gail introduced the point that there needs to be proper research completed to determine if turf is the best option for filtration or natural shoreline. Gopala stated that “mowing” is a broad term as there are various types and levels. She stated that there should be established heights of grass such that roots are allowed to penetrate. Additionally, she believes brush serves as an excellent filter, however, individuals fear snakes which may be associated with brush. She mentioned that tree roots likely provide less filtration than properly managed turf.
- Don Cupps stated that he believes the greatest threat to water quality is the size of boats and the wakes they produce which causes erosion.
- Randy Hathaway stated that it is important to also consider what is needed to manage the land – the greatest complaints come from neighbors and each of this must be addressed. The backlog of requests to investigate is huge.
- There was discussion of the formation of the group. Dana and Randy explained that the group was formed based on volunteers with a focus on providing a group with diverse viewpoints. Dana explained that these individuals are meant to be representatives and ambassadors for the community. Randy stated that individuals in this group are meant to not only represent the viewpoints of their organization but also themselves; their friends and neighbors; the general public – these individuals are representing their own interests as well as the group they may represent. These meetings are meant to determine the proper “balance” of use of the lake.
- There was discussion of land classifications. Don asked about Environmentally Sensitive designations and how they were established and what is allowed in this area. Don felt that anything not developed was classified as environmentally sensitive; and Gopala explained that

there were also areas that were previously environmentally sensitive that were changed to low density. Becky explained that the corps is looking for input on unimproved path permits in this area. Don asked about the possibility of development in this area. Dana explained that activities are limited in this area and there would be no vegetative management in this area.

- Trish Tannehill illustrated the shoreline allocations using the interactive GIS map. Rodney Raley explained the difference between land classifications and shoreline allocations. Trish stated that land classifications override shoreline allocations. Trish explained the development of environmentally sensitive land classifications.
- Eric Simkins stated that he is interested in keeping the lake from becoming overrun similar to Lake of the Ozarks. While we wants what is best for the water quality of the lake there is also balance that needs to be considered. Regarding the discussion of turf and trees, he stated that it is important to keep in mind that the trees serve as a noise buffer for lakeside properties.
- Gopala suggested that a third-party inspection process may be an option for vegetative management and Win Hargis asked the group to give this concept additional thought for the next meeting.
- Dave stated that as in the original Section 11 – permits could be consolidated with other shoreline management permits. Win stated that this was interpreted this to mean dock permit and shoreline permit instead of a broad vegetative permit – but it is something to consider for the next meetings.
- Randy stated pressures from requests from Congressman Long and Senator Blunt’s office also impede staffing resources. Additionally, self-certifications and third party certifications can cause legal issues which need to be considered. This led to a discussion of the legal ramifications which ended the partnership between the Corps and Ozark Rivers Heritage Group. Gail provided an overview of the failure of the collaboration with Ozarks River Heritage. The group generally agreed that they would be open to trying new options and partnerships despite the risk of potential failures. Randy stated that this is the discussion that is important; while keeping in mind potential limitations and past experiences. Gopala asked if there are any projects in coordination with City/County/State. Water Patrol and Enforcement are in partnership; state electrical inspectors may be advised; but no additional collaborations currently exist dealing with shoreline management. Gail asked if there is thought of a non-profit WQ partnership – Randy stated that while they believe this would be beneficial there is hesitation based on failure of the Ozarks River Heritage group. Randy also stated that there have been attempts to lease parks but these leases have failed. Additionally, if all parks are leased, the funds for rangers will diminish.
- There was a discussion of third party inspection programs. There are currently no known self-inspections or third party inspection programs in the United States. Don expressed concerns of self-inspections and Win agreed that the Corps has concerns of individuals cheating the process. Rodney stated that Tulsa district is currently working on providing a certified dock inspection program, but this has not yet been established
- There was discussion of the reasons why permit fees cannot be raised. Win explained that all attempts have failed and this decision is made above his level. Additionally, any money raised through permitting goes back to the general treasury.
- There was discussion of the number of permits and the number of individuals illegally mowing. Rodney stated that some individuals are unaware of the regulations; others realize they would be denied and choose not to bring attention to their property. There are currently 13,000

adjacent parcels; 1800 vegetative management permits; and at least 3,000 parcels being illegally maintained.

- Janet Bezzerides asked if there are any studies as to the percentages of sources of pollutants. Gopala stated that this is a difficult question to answer – there are quarterly studies and it is known that much of the source of pollution is upstream. Gopala agreed to bring in reports regarding the health of the lake to assist with discussion at the next set of meetings. Gopala also agreed to start the next meeting with a presentation of the overall health of the lake and sources of pollution. Gail also suggested that members reference Ozarks Water Watch reports. Gopala agreed to include discussion of scientific studies completed on the filtration potential of various types of vegetation.

Action Items

- The Corps will distribute any water quality documents provided by Gopala
- Gopala will provide a brief presentation on the overall water quality of Table Rock Lake and sources of pollution in the lake.

Next Meetings – September 15th at 8AM; October 6th at 8AM

Docks

This subsection contains details and discussion specific to the Docks Focus Group meeting. Members of this focus group in attendance were:

- Duane Boggs – Kings River Marina
- Don Phillips – Missouri House of Representatives
- Jerry Jenkins – Kimberling City
- Jody Jones - Attorney
- Booker Cox – Foggy River Realty
- June Constable – Tri-Lakes Realtors
- Steve Faria – The Chalets on Table Rock Lake
- Tonya Glover – Stone County Planning and Zoning
- Bill Jones – Branson Bank
- Gary Haupt – Missouri Water Patrol
- Lowell Mielke – Kimberling City Alderman

Mike Ussery was also in attendance representing Congressman Billy Long; and Steve McIntosh representing Senator Roy Blunt

Becky Shortt presented the Regulatory Framework for Docks. A copy of this presentation is attached as Appendix C at the end of this document. Rodney Raley presented the process of dock permitting. A copy of this presentation is included as Appendix D at the end of this document.

Discussion Points during this meeting included:

- Booker Cox asked about use percentages; Trish Tannehill stated that 11% off the lake is zoned LDA – 40% of this space currently has a dock
- Steve Faria asked about regulations regarding regulations of docks must not exceed 1/3 of cove width. Becky Shortt stated that based on current local regulations there are cases where there is LDA on both sides of the lake, but based on local regulations, once a dock is built on one side of

the lake it may cause the other side of the cove to be closed down to docks based on width regulations.

- Table Rock Marina Buffer of 3 miles is a local regulation. A buffer is required by Title 36 but not specifically assigned a distance.
- June Constable asked how Title 36 can be changed. Randy Hathaway stated that this is a government law that would be exceptionally difficult to change
- The local 70% rule was discussed – this local regulation limits the size of future boats purchased by dock owners.
- The use of fans, refrigerators, etc on docks was discussed as a local regulation that will be up for possible regulatory changes.
- Randy led a discussion of the price of dock permits. There are 1900 boat dock permits generating \$30 every 5 years – Randy discussed that the corps spends a lot of money on boat docks, but there needs to be a fair balance with all uses of the lake. In response, Lowell Mielke suggested new budgeting. Randy stated that with decreased funding part of the purpose of these meetings is to get ideas from these groups on how to best manage the lake with a decreased budget. Randy explained that hydropower and flood control operations take precedence over recreation
- June asked if the lake generates more money than we receive in funding allocations. Randy stated that he believes this is the case – all money raised goes into the general treasury and despite fights for additional funds, funds instead decrease
- Booker asked about the possibility of a third party dock inspection program. Randy said this is a possibility and is up for discussion – it is important to keep in mind the failure of the Ozark Rivers Heritage Organization and ensure that all legal bases are covered. Randy also introduced the concept of a nationwide permits and self-certified docks. Becky stated that we look forward to the groups input on licensing and other aspects of how this system might work for the benefit of all.
- Randy stated that despite all attempts for funding there have been no Congressional adds. He asked for Congressional support to increase dock fees and keep the funds at the lake where they are generated
- Booker asked the amount of current LDA that would be affected or rezoned based on the 200 foot access rule. Trish stated that this analysis has not yet been completed. Trish responded later in the meeting and stated that 62% of LDA is within 200 feet of the Corps boundary.
- Lowell questioned the allowance of boats to extend beyond slip length. Rodney stated that there are no current regulations, but it is addressed if it impedes navigation. New docks, however, are granted based on the size the boat currently registered to the owner
- June asked if the direction we are headed is less local regulations based on budgeting constraints – Randy said this is the ideal direction, but the public cares about every single one of these regulations and the corps still needs to work to protect the lake, so a balance must be found.
- Becky stated that regulations were generally adopted as a result of Ranger X and Ranger Y interpreting the law differently and generating the need for a specific regulation.
- Becky stated that there are loopholes to the regulations regarding ownership of boat docks. The office maintains a database of all boat dock information.

- Bill Jones stated that the overall theme here is that no local revenue is allowed to stay at the Lake. He asked Randy if there is any entity that could allow money to stay at the lake. Randy stated that resources will continue to be limited or there must be a way to reinstitute the Ozark Rivers Heritage Foundation concept. Currently volunteers are compensated with services (campsites, etc). Randy stated that there is a constant battle with money going back to the national treasury. Randy is challenging Corps staff and the general public to find an alternative to this issue. Bill stated that the alternative would be to develop a privately funded foundation that deposits income from the lake to the treasury. Randy stated that if an idea is brought up he will work to push it up the ladder to where it needs to go.
- Rodney explained that following a permit request, prior to issuance of a dock permit, rangers must assess aspects including but not limited to spacing between existing docks, water depth, cove width, parking, slope, land classification, and shoreline allocation.
- Rodney stated that the duty ranger has administrative help from a volunteer that generally works 16 hours per week.
- Rodney stated that there were 450 dock renewals this year. It takes 5-6 weeks to complete dock renewal inspections. Occasionally an intern or volunteer is needed to assist.
- Ranger staff is only responsible for private/community docks, not commercial docks. Rodney believes that prior to the moratorium there were 10-15 new docks added each year. 1-2 small docks would greatly increase the amount of docks and the workload of the ranger staff
- The reasoning behind 12-20 stall regulations was described as a means to maximize the shoreline – meaning in 66 feet of shoreline, 12-20 boats were accommodated (better utilization of shoreline while leaving maximum amount of shoreline natural)
- Jim Sandberg mentioned that Table Rock was the first lake to institute a community boat dock policy, and there are only 3-4 lakes with this policy (which do not allow 1-2 stall docks)
- Rodney stated that docks are generally grandfathered if maintained and the renewal process is utilized to ensure that the dock is properly maintained – with a main component being electrical inspections to reduce the risk of electrocution of swimmers
- Win stated that many of these regulations are rooted in trying to keep patrons safe
- Randy stated that there may also be an option to allow all owners to be responsible for their own docks rather than requiring inspections
- Jim cautioned that there could be issues with allowing dock builders or dock repair companies to inspect docks (Conflict of Interest)
- Rodney provided a handout of procedures for requesting/obtaining a new dock
- Lowell brought up the power that the marinas have over private citizens. Corps staff pointed out that the marina three mile buffer zone is an issue that can be brought up amongst the group – all regulations are up for discussion. While the overall purpose of the group is to focus on docks – all comments will be accepted for discussion.
- Randy stated that he hears concerns. He discussed the moratorium and the reason behind it. He also explained why there is a disconnect between private and public docks (marinas) as they are regulated separately. Lowell expressed that people do not understand this disconnect, and believe that public dock owners are getting preferential treatment. Randy said this discussion is useful as it teaches the corps lessons and brings to the table information that may require a press release in the future to fully explain the reasons behind corps decisions such as the moratorium. In regards to fees collected from marinas – counties are getting 75% of the fees

collected from marinas. This may be an additional revenue source for the lake if politics are involved.

- Randy stated that he believes there will be hard cutbacks to lock shoreline management within the next 5 years if there is not a better option to make greater use of limited funds.

Action Items

- The Corps will research privatization of management activities
 - Determination of legal bounds for contracted work
- The Corps will email Ground Rules to the group
- The Corps will send out Corps contacts
- The Corps will send out all group contacts
- Trish will email Tab 1 so that the groups have a digital version of all SMP sections

Next Meetings – September 16th at 8AM; October 6th at Noon

Shoreline Allocations

This subsection contains details and discussion specific to the Shoreline Allocations Focus Group meeting. Members of this focus group in attendance were:

- Dennis Wood – Stone County Commissioner
- David Casaletto – Ozarks Water Watch
- Kathy Clark – Keller Williams Realty
- Shelia Thomas – Table Rock Chamber of Commerce
- Rick Carpenter – Dock Owner
- Randy Swanson – Port of Kimberling Marina
- Bill Lyons – Sunset Cove Homeowners
- Rick Zigenfuss – City of Hollister Administrator
- Bob Cox – The Harbor Marina
- Kandis Davis - Developer

Mike Ussery was also in attendance representing Congressman Billy Long; and Steve McIntosh representing Senator Roy Blunt

A conflict with the October 7th meeting was noted, therefore this meeting was rescheduled for October 5th at 8AM.

Becky Shortt presented the Regulatory Framework for Shoreline Management. A copy of this presentation is attached as Appendix E at the end of this document. Trish Tannehill provided an introduction to shoreline allocations using the GIS mapping tool from the Table Rock SMP website. The mapping tool is available at the following link:

<http://www.swl.usace.army.mil/Missions/Planning/TableRockLakeShorelineManagementPlan.aspx>

Discussion Points during this meeting included:

- Trish Tannehill stated that 40% of LDA is currently utilized, leaving an additional 60% left to be utilized prior to adding additional LDA. This LDA may be relocated during this SMP update. Jim Sandberg stated that past relocations have only been completed for property owners that owned the entire zoning area (pre-relocation and post-relocation). Becky Shortt stated that this is all on the table for new suggestions and changes, as it is based on local regulations.

- Rick asked how line item budget requests are developed and approved. Win explained that these requests are submitted to Congress as an overall O&M budget. Separate allocations may be allowed for special items. Currently the overall O&M budget for Table Rock Lake is approximately 8-9 Million each year. It was explained that of this 8-9 Million budget there is only approximately \$550,000 to use for shoreline management.
- Steve McIntosh explained that in the past, earmarked money could be used to supplement budget allocations and in the past Southwestern Power rates were reassigned to the lake, however, currently all money raised by Southwestern Power through hydropower sales is returned to the general treasury.
- Win Hargis explained that 100% of the recreation budget for the lake is currently being utilized. Rick questioned the money not being utilized by the current lag in ranger staff. Win explained that this money can be moved to other aspects of shoreline maintenance that have been completed instead of salaries. Randy Hathaway explained that current backlog maintenance is large and while there is some money that is available for special projects, the process to get these funds is highly competitive and often times in an effort to be competitive funding requests are often geared more towards hydropower and flood protection needs. With this being said, the Corps has been successful in getting money for the Master Plan and SMP process for several Little Rock District Lakes. Randy also explained performance based funding – projects are prioritized and therefore the funds from Table Rock Lake hydropower rates which were returned to the general treasury may be reallocated to a different purpose based on project prioritization. Dennis Wood asked if budgets can be lowered, then why can't they be raised? Randy stated that hydropower and flood control will always rank higher than recreational needs including boat docks based on overall benefits to tax payers.
- Rick Zigenfuss stated that the bottom line is that the purpose of this meeting is to solicit advice to streamline the process of shoreline management in a means that benefits all users of the lake. Randy agreed with this statement.
- Steve stated that the government doesn't mind simplification to allow recreational benefits with a limited budget. He asked the group to think outside the box so that citizens can still use boat docks and enjoy the lake despite budget limitations. Kathy Clark stated that monetary lacking should not be the focus of this discussion. Randy agreed that the discussion should revolve around the plan rather than the budget. Win asked the group to focus more on shoreline allocations and how to best allocate the shoreline based on the new master plan so that the shoreline allocations are complementary to the land classifications that now exist around the lake. We need the group to focus less on money and more on changing shoreline allocations in a means that will benefit all lake users. He asked that the focus be on issues such as the 4 nationwide classifications and the 5 additional local classifications.

The following Discussion points were generated during Trish Tannahill's presentation

- There are areas zoned LDA adjacent to forest service land which was classified as environmentally sensitive during the master plan. These LDA classifications can be removed or rezoned. There are 13 LDA areas adjacent to forest service land that need to be reclassified. There are also a handful of non-forest service land where these corrections need to be made.
- Bill Lyons pointed out that there are also LDA areas where the water may be too shallow for boat docks despite LDA classification and these areas may be moved in this version of the SMP.

- Trish explained courtesy dock allocations and the potential for these zones to be removed or replaced in this version of the plan. She also explained the concept of grandfathered docks currently outside of LDA areas. These docks are not allowed to expand and must be left as is and if they are destroyed in a storm they can only be rebuilt as is. There are 30-40 of these docks. There is potential to rezone these areas. These permits could also be sold to be used in a different LDA. There are also docks outside of zoning. This was discovered in 2004. It was likely a result of early mapping techniques and these are most likely mistakes. This plan may be used to bring these docks into compliance. There are 280 docks which would equate to approximately 2 miles of additional LDA shoreline. This could be done by expanding LDA to relocation unusable LDA. Note that these docks are currently grandfathered. Very few individuals have chosen to move these docks to adjacent LDA.
- Many members of the group stated that it would be ideal to break unusable LDA zones into sections that can be relocated (partial LDA relocation).
- Win pointed out that the group needs to keep sustainability and balance in mind.
- Overall, the group stated that the main goal is to develop scenarios that will not add additional costs to the corps for operation and maintenance.
- Trish introduced the Marina Buffer Zone as 3 driving miles – this is on the table for removal or change. Existing boat docks in this area are currently grandfathered. Trish added that unused grandfathered land in this area could be moved to other portions of the lake and this would equate to 3 additional miles of LDA on the lake in useable areas (it currently is not useable).
- Trish introduced park buffers. The buffer zone for parks is random currently. There are no mowing or vegetative modification permits or dock permits in this area currently. Vegetative modification permits are grandfathered in this area if they are not allowed to expire. This is on the table for change. It is important to keep campers, boaters, and all lake users in mind when making these decisions. Additionally there are park buffers where parks no longer exist which needs to be changed (this was a proposed park with limited access which was never developed).
- There also may be changes to the number of stalls and perpendicular docks – these issues are being evaluated by the boat dock group and may affect the decisions of the shoreline allocation group.
- Randy also suggested that the group keep in mind where there are needs for growth around the lake. Greg stated that there is more available LDA on the upper end of the lake than there is on the lower end of the lake near the dam.
- Kathy stated that there is likely a need for a Shell Knob representative – Dennis suggested that he represents that area.
- Kelly Collins stated that the group is expected to have two different types of recommendations – general, broad recommendations and specific relocations. Randy added that the group needs to keep in mind the needs and desires of both land owners, lake users, and concessionaries (marina owners).
- Trish stated that there are 50 pending requests for rezoning.

Action Items

- The Corps will mark the areas unusable for docks
- The Corps will mark the areas that currently conflict with the master plan

- The Corps will provide the link for the map to the group as well as instructions for the ArcGIS mapping application for smartphones
- The Corps will provide overviews of all meetings to all group members

Next Meetings – September 17th at 8AM; October 5th at 8AM

Appendix A

Regulatory Framework Vegetative Modification



Becky Shortt
 Realty Specialist
 Table Rock Lake – Little Rock District
 August 25, 2015







US Army Corps of Engineers
 BUILDING STRONG®

Important Terms



- Civil Works
- Project
- Shoreline
- Shoreline Use Permits or Permits

BUILDING STRONG®

Title 36



- Code of Federal Regulations, Title 36, Volume 3, Part 327.30, Shoreline Management at Civil Works Projects
- Revised July 1, 2001
- Purpose
 - ▶ To provide policy and guidance on management of shorelines

BUILDING STRONG®

Title 36



- **Objective:** to achieve a **balance** between
 - ▶ **Permitted private uses** (i.e. mowing, private/community boat docks), and
 - ▶ **Resource protection for the general public use** (i.e. habitat, aesthetics, water quality, etc)

BUILDING STRONG®

Title 36



- Requires “Shoreline Use Permits” for any private structure/activity
- Permits are required for any land vegetation modification activities that do not involve disruption to land form
- Permits are to be issued for a 5-year term (exceptions for shorter terms and erosion control permits).

BUILDING STRONG®

Title 36

- Vegetation Modification Permits only in
 - ▶ Limited Development Areas and
 - ▶ Protected Shoreline Areas
 - Only after environmental impacts have been assessed and it has been determined that no significant adverse impacts will result

BUILDING STRONG®

Title 36

- Permittee must delineate the government property line
- Permittee may in no way preclude the public right of pedestrian traffic across public lands



BUILDING STRONG®

ER 1130-2-406

- Engineer Regulation No. 1130-2-406, Project Operation, Shoreline Management at Civil Works Projects, dated 31 October 1990, with changes (1992, 1999).
- Purpose: to provide policy and guidance on management of shorelines of Civil Works projects



BUILDING STRONG®

ER 1130-2-406

- Repeats much of Title 36
- Commercial development activities, and activities that involve grading, cuts, fills or other changes in land form, or establishment of land-based facilities required for private floating facilities are to be covered by Real Estate instruments NOT Shoreline Use Permits



BUILDING STRONG®

Local Regulations & Policies

- 200' max mowing distance from home
- 6' wide meandering walking paths
- Dead and/or diseased trees removal
- No tree limbing
- Under-brushing: non-flowering trees <2" dbh
- Chemical use, hand-tool only
- Public access areas



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Appendix B

Vegetative Modification Permit Process



Rodney Raley
Chief Park Ranger, Natural Resources



US Army Corps of Engineers
BUILDING STRONG®

Steps for permitting

- Applicant requests an inspection with the Duty Ranger
- Duty Ranger determines land classification to see if a permit can be considered. Also will look for current or previous permits at that location.
- The Duty Ranger will fill out a Site Inspection Report and input data into the SMP Inspection Database



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Park Ranger Initiates Inspection



- Calls the applicant to set up an appointment to meet for an onsite inspection
- Meets applicant onsite to conduct inspection
- Discuss all permit conditions.
- Upon approval, receive a signed shoreline use application and \$10 check from applicant.



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Post Inspection

- Park Ranger will update the SMP inspection database and create a map that outlines the vegetative management area.
- A signed copy of the permit, with permit conditions, along with a map are mailed to the applicant.
- A file is created for the permit.



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Questions?





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Appendix C

Regulatory Framework Private/Community Docks




Becky Shortt
Really Specialist
Table Rock Lake – Little Rock District
August 25, 2015

US Army Corps of Engineers
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Important Terms



- Civil Works
- Project
- Shoreline
- Shoreline Use Permits or Permits
- Private/Community Docks
- Limited Development Area (LDA)

BUILDING STRONG®

Title 36



- Code of Federal Regulations, Title 36, Volume 3, Part 327.30, Shoreline Management at Civil Works Projects
- Revised July 1, 2001
- Purpose
 - ▶ To provide policy and guidance on management of shorelines

BUILDING STRONG®

Title 36



- **Objective:** to achieve a **balance** between
 - ▶ **Permitted private uses** (i.e. mowing, private/community boat docks), and
 - ▶ **Resource protection for the general public use** (i.e. habitat, aesthetics, water quality, etc)

BUILDING STRONG®

Title 36



- Requires “Shoreline Use Permits” for any private structure/activity
- No commercial use on private/community docks
- Permits are to be issued for a 5-year term (exceptions for shorter terms and erosion control permits)

BUILDING STRONG®

Title 36

- Permits will only be issued to individuals or groups with legal right of access to public lands
- Private/Community Docks only in LDA
- Density of facilities must not be more than 50% of LDA
- Docks may not exceed 1/3 cove width at normal recreation or multipurpose pool

BUILDING STRONG®

Title 36

- Must give consideration to the effects of added private boat storage facilities on marinas
- New marinas as an alternative to new LDA
- New docks may not be granted near marinas
- No new enclosed docks



BUILDING STRONG®

Title 36

- No human habitation on docks
- Docks can't exceed the minimum size required to moor the owner's boat plus minimum size enclosed storage locker for items essential to watercraft operation
- Plans must be certified by a licensed engineer



BUILDING STRONG®

Title 36

- Electric must meet all codes and regulations
- Can't obstruct use of the shoreline
- Anchoring to vegetation prohibited
- Permit does not convey any property rights



BUILDING STRONG®

Title 36

- Code of Federal Regulations, Title 36, Volume 3, Part 327.31, Shoreline management fee schedule
- \$10 for each new permit
- Plus \$5 annual fee for inspection of docks
- Does not cover fees for land based amenities covered by Real Estate Licenses



BUILDING STRONG®

ER 1130-2-406

- Engineer Regulation No. 1130-2-406, Project Operation, Shoreline Management at Civil Works Projects, dated 31 October 1990, with changes (1992, 1999).
- Purpose: to provide policy and guidance on management of shorelines of Civil Works projects



BUILDING STRONG®

ER 1130-2-406

- Repeats much of Title 36
- Commercial development activities are to be covered by Real Estate instruments NOT Shoreline Use Permits



BUILDING STRONG®

Local Regulations & Policies

- Min/max number of slips
- Access/Parking within 200'
- Min/max slip size
- Min/max walkway size
- Slip enclosure size
- Locker size
- Electric service



BUILDING STRONG®

Local Regulations & Policies

- Walking Paths
- Golf carts
- Parallel vs. perpendicular style docks
- Gable vs. hip roof
- PWC lifts
- Swim decks
- Swim docks



BUILDING STRONG®

Local Regulations & Policies

- Proof of Ownership
- Max number of slips owned
- Individual slip owner vs. multiple owners



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Appendix D

Boat Dock Permit Process



Rodney Raley
Chief Park Ranger, Natural Resources

U.S. ARMY
US Army Corps of Engineers
BUILDING STRONG®

Steps for permitting a new dock

- Applicant requests an inspection with the Duty Ranger
- The Duty Ranger will fill out a Site Inspection Report and input data into the SMP Inspection Database

U.S. ARMY BUILDING STRONG®

Park Ranger Initiates Inspection

- Calls the applicant to set up an appointment to meet for an onsite inspection
- Meets applicant onsite to conduct inspection
- Mark GPS location of proposed dock
- Post process applicable data and create suspense file if site inspection is approved.

U.S. ARMY BUILDING STRONG®

If Inspection if Approved, Applicant Must Provide Within 180 Days:

- Application for Shoreline Use
- Contract for Sale between new owner(s) and dock builder
- Community Dock Owners Agreement for each slip owner
- Dock Owner Information Sheet
- Copy of current boat registrations
- 2 sets of engineer stamped plans
- A County recorded perpetual easement for parking

U.S. ARMY BUILDING STRONG®

Applicant Provides Submittals

- Park Ranger reviews all documents
- If documents are satisfactory, construction plans will be stamped for approval and mailed to the applicant to begin construction.
- Applicant has 180 days to complete construction and mail in construction/electrical certification form.
- Slip owners must attend a dock owners meeting with a Park Ranger to discuss permit conditions.

U.S. ARMY BUILDING STRONG®

When Construction Certification is Received

- Park Ranger will perform final site inspection
- Duty Ranger will update SMP database and create new dock file containing all required documentation.
- Duty Ranger will mail applicant a copy of approved permit along with dock plates to be displayed on the dock.

U.S. ARMY BUILDING STRONG®


Questions?






BUILDING STRONG®

Appendix E

Regulatory Framework Shoreline Allocations



Becky Shortt
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Table Rock Lake – Little Rock District
August 26, 2015

US Army Corps of Engineers
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Important Terms



- Civil Works
- Project
- Shoreline
- Shoreline Use Permits
- Shoreline Allocations




BUILDING STRONG®

Title 36



- Code of Federal Regulations, Title 36, Volume 3, Part 327.30, Shoreline Management at Civil Works Projects
- Revised July 1, 2001
- Purpose
 - ▶ To provide policy and guidance on management of shorelines

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Title 36



- **Objective:** to achieve a **balance** between
 - ▶ **Permitted private uses** (i.e. mowing, private/community boat docks), and
 - ▶ **Resource protection for the general public use** (i.e. habitat, aesthetics, water quality, etc)

BUILDING STRONG®

Title 36



- Requires “Shoreline Use Permits” for any private structure/activity
- Permits are required for any land vegetation modification activities that do not involve disruption to land form
- Permits are to be issued for a 5-year term (exceptions for shorter terms and erosion control permits).

BUILDING STRONG®

Title 36

- Entire shoreline must be allocated
 - ▶ Limited Development Areas
 - ▶ Public Recreation Areas
 - ▶ Protected Shoreline Areas
 - ▶ Prohibited Access Areas
 - ▶ Other additional classifications as needed

BUILDING STRONG®

Title 36

- Must give consideration to the effects of added private boat storage facilities on marinas
- New marinas as an alternative to new LDA
- New docks may not be granted near marinas



BUILDING STRONG®

ER 1130-2-406

- Engineer Regulation No. 1130-2-406, Project Operation, Shoreline Management at Civil Works Projects, dated 31 October 1990, with changes (1992, 1999).
- Purpose: to provide policy and guidance on management of shorelines of Civil Works projects



BUILDING STRONG®

ER 1130-2-406

- Repeats much of Title 36
- Commercial development activities are to be covered by Real Estate instruments NOT Shoreline Use Permits



BUILDING STRONG®

Local Regulations & Policies

- No additional LDA until all current LDA is full.
- Additional shoreline allocations
 - ▶ Restricted Limited Development
 - ▶ Marina Buffer
 - ▶ Community Dock Only
 - ▶ Courtesy Dock only
 - ▶ Resort



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