



## Final Transcript

### **US ARMY CORPS OF ENGINEERS: Table Rock Lake Oversight Committee**

July 16, 2020/7:30 a.m. CDT

#### **SPEAKERS**

Dana Coburn  
Tammy Jahnke  
Becky Short  
Jerry Judge  
Rodney Raley  
Rob Hunt  
Pat Cox  
Ryan Benefield  
Sheila Thomas  
Twyla Harrison  
Trish Tannehill

#### **PRESENTATION**

Moderator                      Ladies and gentlemen, thank you for standing by. Welcome to the Table Rock Lake Oversight Committee conference call. At this time all participants are in a listen-only mode. Later we will conduct a question and answer session. Instructions will be given at that time. [Operator instructions]. As a reminder, this conference is being recorded.

I'd now like to turn the conference over to Dana Coburn. Please go ahead.

Dana Thank you. Good morning, everybody. At this time, I would like to call our meeting to order. My name is Dana Coburn. I am the designated federal official for the Table Rock Lake Oversight Committee. We have several people at the Dewey Short Visitor Center. At this time, I would like everybody to introduce themselves starting with our chairperson.

Tammy My name is Tammy Jahnke. I'm chairperson of the oversight committee.

Sheila I'm Sheila Thomas.

Ryan Ryan Benefield.

Twyla Twyla Harrison.

Becky Becky Short.

Dana We have a couple of our committee members that are also dialing in if they would like to introduce themselves.

Pat Good morning. This is Pat Cox on the line.

Rob My name is Rob Hunt with the Missouri Department of Natural Resources.

Deanna Deanna Ray [ph].

Rodney Rodney Raley.

Trish Trish Tannehill with the Corps of Engineers.

Brenda Brenda Jackson.

Robert Robert Eller [ph].

Jerry Jerry Judge with the Corps of Engineers.

Chris Chris Rolark [ph], Corps of Engineers.

Jim Jim Woods with the Corps of Engineers.

Ryan D. Ryan Dotten [ph], Corps of Engineers.

Dana Okay, I believe we have everybody that has been introduced. I would like to thank everybody for participating today, and I really appreciate your patience. We are trying this out with a teleconference. If there are any issues at any time, please try to alert. We have several AT&T operators on the line.

I would like to remind our committee members and Corps staff that are here, if you are speaking, please speak into the microphone closely, and remember to keep your microphones muted when you're not speaking.

To start today, we have the purpose of our Table Rock Lake Oversight Committee. I'm going to do a quick recap. The Table Rock Lake Oversight Committee is an independent federal advisory committee established as directed by Section 1185C of the Water Resources Development Act of 2016. The committee is advisory in nature only with duties to include providing information and recommendations to the US Army Corps of Engineers, Little Rock District Engineer, and revisions to the Table Rock Lake master plan and shoreline management plan.

The Table Rock Lake Oversight Committee may also, at the discretion of the district engineer, review any permit to be issued under the provisions of the existing master plan and shoreline management plan until any approved revisions are finalized and become part of the formal government documents.

So, we have a few ground rules for the committee and our meeting. This is a Federal Advisory Committee Act committee, and it has applicable regulations. Our meetings are open to the public for observation.

Today, we are having a virtual meeting. It's due to COVID-19 concerns. This meeting is being held virtually with members of the public. We have this dedicated phone line open to the public in order for them to listen to the meeting, and during the time provided, to make virtual comments to the committee.

For the members of the committee and the Corps staff attending the meeting in person today, we are to be wearing face masks unless we're speaking into the microphone. We do have a court reporter here that is

recording. In addition, we are maintaining our six feet of social distancing.

We will have a verbal public comment time today. We have ground rules. We have an AT&T moderator on the phone line who will help facilitate the process for those that would like to make a verbal comment and address the committee. It is similar to being in line if you were here in person. Your name will be called, and your line will be unmuted when it is time for you to give your verbal comment.

Similar to our meeting number two, you'll be allowed two minutes to speak. At the end of the two minutes, your line will be muted to signal the end of your verbal comment time.

We have the Table Rock Lake Oversight Committee recommendations to the district commander. We would ask that the committee members will have the opportunity today to make recommendations on the draft document to the Little Rock District commander. It is suggested that committee members use a process similar to Robert's Rules of Order where a motion is made, seconded, and voted upon by the committee members.

If we have any media inquiries today, please contact our Corps public affairs representative or the office. Our documents are available to the public on the Table Rock Lake Oversight Committee website. The meeting documents were made available for review by the 9<sup>th</sup> of July. That was a week ago. It included the meeting minutes from meeting number two, our court reporter report from meeting number two, all written comments submitted from November 2019 to July 9, 2020, and then the commander-recommended permit for review which is Serenity Shores.

We will try to have breaks today, one ten-minute break this morning, one lunch break, and one ten-minute break in the afternoon. I understand this is a little bit different than a teleconference, so again, we would appreciate patience and understanding. Again, if you have any issues, please let the AT&T operator know, and we will try to work through that.

If you experience any phone line issues, if we experience any phone line issues, please let us know if all of the sudden you can't hear us, let us know, and we'll try to get the phone line back up and working again.

Okay, with that, I am going to turn it over to Tammy, our chairperson for a recap of meetings one and two.

Tammy

This committee met first on December 12, 2019. At that time, the Corps introduced the draft plans for information purposes, and we had a committee discussion at that point. The meeting notes, the transcripts, the draft plans, and the presentation are all available on the Table Rock Lake Oversight Committee website.

At our second meeting, which was held on March 5, 2020, we received verbal public comment. We heard presentations on items requested by the committee during meeting one that included solar power, potential number of private slips, carrying capacity, and commercial remote service docks. This was followed by committee discussion. The meeting notes, transcripts, and the presentations are all available on the website.

So, the purpose of today's meeting, once again, is for the committee to continue to hear verbal public comment on the Table Rock Lake master plan and shoreline management plan. The committee will also have time to discuss, ask questions, and make recommendations on the above plans.

We'll also have time to discuss, ask questions, and make recommendations on the commander-recommended review of permit.

I think we are now ready to move to item 2 of the meeting agenda. Please initiated callers to indicate if they would like to make a verbal comment and start the line.

We have up to three hours of the meeting set aside for public verbal comment, two-minute maximum per person. You will not be allowed to transfer time to another person, first come, first served, and this will be moderated, facilitated by our AT&T operator. You can sign in with the audio call moderator, and you'll be asked for your name and will be automatically placed in line.

If at any time a caller makes unacceptable or vulgar comments, their line will be muted, and they can and will be disconnected from the conference call. Call-in speakers will be announced by the DFO and will have two minutes to speak. At the thirty-second mark, the DFO will indicate the caller has 30 seconds remaining.

Macy, are you on the line?

Moderator Yes. [Operator instructions]. First, we'll go to Lisa Munden. Please go ahead.

Lisa [Audio drops] stayed at Faria resorts at WaterMill Cove Resort over on Indian Point. We have a lot of extended family. I'm sorry, I'm talking about whatever items you have on your list, the Serenity Shores dock project, and I just wanted to comment on this particular company.

We have a lot of extended family from grandparents to cousins, adults and kids, and we stayed over at their WaterMill Cove Resort, and wow, we've just had the best times. If there's a possibility of another property like that one coming in the future, then we are so excited. These resorts are just a first-class operation.

So, I just wanted to say to please consider approving this dock permit so that more families like mine can have a beautiful place to make more wonderful memories. That's all I had.

Moderator We'll go to James Towery. Please go ahead.

James Good morning. Can you hear me?

Moderator Yes.

James Okay. I put in a written comment, and I don't see the date on this now, but I'm the owner of a Table Rock Shore Resort doing business—Table Rock Shore Resort by ST Properties, LLC, and we have a current shoreline lease in Little Aunts Creek, a resort lease, DACW-031138274. That is in the limited development area 133.

Just like the previous comment, we have a first-class resort that we're building. We built six cabins this year. We plan on adding five more cabins this winter and another five cabins the following winter.

We have a 12-slip boat dock that is currently permitted in that resort lease, and we're finding that we are already filling that boat dock to capacity on weekends.

So, I have talked to the Corps, specifically Cheryl Lanko [ph], to try and find out the process to be able to add another boat dock. So, my comments were that the limited development area extends quite a ways to

the east of my resort lease, at least 110 feet, and I'm asking the Corps to consider moving that limited development area to the west side of my lease so that I will have enough—

Dana Sir, you have 30 seconds remaining.

James I need to add another boat dock west of my boat ramp, and I'm needing the LDA extended 110 feet to the west. Therefore, I can extend the lease and then get a dock permit. Thank you for your time.

Moderator We'll go to Kenneth Pekarek. Please go ahead.

Kenneth Hi, this is Kent Pekarek, and I'm an owner of a condominium at Towers on the Lake. That say that a picture is worth a thousand words, or in this case, a picture may just prevent the loss of human lives and t he prevention of destruction of personal property.

The Eastern Red Cedar presentation prepared by Gerald P. "Jerry" Judge district forester, National Resources Little Rock District, has clarified much of the confusion regarding the cedar. Some consider the cedar a weed a brush or a shrub, but it is not a true cedar. It is a juniper.

We have drone ground [indiscernible] and safety pictures of trees threatening to fall into homes, houses, condominiums, vehicles, etc. We also have press pictures showing trees that have already fallen into homes and condominiums and have killed humans, including children, and caused a great deal of property destruction.

As we all know, Branson area is subject to ice storms like the ice storm of 2008 and 2009, and strong thunderstorms with high winds and hail. The winds, ice, and thunderstorms could snap these branches off or even the entire tree out of the ground. The tree and branches could crash through the sunrooms or even fall through the entire condominium. We also had a picture where, in fact, a tree has actually fallen through an entire condominium.

This should be an easy solution, and—

Dana

Sir, you have 30 seconds remaining.

Kenneth

—committee members would view these pictures and other information as relevant to the situation. A simplistic solution would be to remove the

hazardous trees that are upwards to almost 60 feet now. The [indiscernible] are where most residents watch TV, visit playrooms, play with children, and some sleep on Murphy beds. Yet, those trees that can kill them are only a few feet away. Thank you.

Moderator We'll go to Fred Greene. Please go ahead.

Fred Thank you. Committeewoman Jahnke, your committee was created by Congress in the FCA Act. You're charged with advising the agency, and in this case that's the Corps, as directed by Congress. Under this act, the Corps is required to listen. They're not required to take your advice.

While we know they took the advice of the focus groups in 2015, your advice is quickly reaching its expiration date. Later this morning, as a result of the last meeting, we hear about cedar trees and penalties for dock violators. Without seeing the most recent draft of the Shoreline master plan and knowing if any changes have already been incorporated, these presentations are just more noise from the Corps.

It doesn't matter if it's communications to build trust, no-wake buoys, solar-powered docks, cedar trees, or natural warm season grasses to

prevent erosion, vegetated buffer zones to reduce US taxpayer liability, or rewriting Title 36, Section 327 without Congressional approval, the Corps knows they're in charge.

All you can do, Madam Chairwoman, is put into the official record your recommendations, nothing else. If the court cares, they'd listen and respond. If they follow their status quo, they don't. You decide: heat on or hall pass, it's your choice. Ms. Coburn was provided—

Dana Sir, you have 30 seconds remaining.

Fred Ms. Coburn was provided with the same set of comments I provided each of your committee members. Interestingly, the paper on potential Corps liability has been posted three times, in April, in May, and again in June, and it has yet to be made public. Please ask Dana why. Do with the Corps what you want, but please have the courage to stand up and be counted. Thank you very much.

Moderator We'll go to Scott Morris. Please go ahead.

Scott

Good morning. My name is Scott Morris. I'm the corporate manager for Safety, Security, and Training for Kanekuk Camps, and we are requesting that the resort limited development area number 460, which is in the vicinity of our middle school camp that we call K West, be shifted 300 feet to the west.

Currently, the LDA stretches from the western edge of our lease area to the east and into the cove, and much of that cove is narrow and not used except for kayakers, but we do put sailboats into the water from the area that is to the west of our lease area near the southern curve and the shoreline where there's better wind. That area has some brush that is starting to grow over, and we are starting to experience increased safety issues with snakes and such.

So, extending that LDA to the west would allow us to request a shift in our lease area so we can trim shrubs and discourage snakes and maintain reasonably clear waterfront from which to launch the sailboats creating as a safer environment for the campers and the staff.

A second option to shifting the LDA would be to remove 300 feet of the LDA from the eastern edge of our property line and add that to the western

side so that it would create a 300-foot gap in the current LDA, but it would preserve the eastern edge of the current LDA which is on a neighboring property. That property's waterfront is at the very end of the cove. It's too narrow there to put a dock into the current policy, but that would preserve—

Dana Sir, you have 30 seconds remaining.

Scott Thank you. That would preserve the LDA access for that landowner for whatever use that they might have. So, those are the two options we present so we can better help manage that waterfront and make it safe.

Please let us know if you have any questions or require any further information. Thank you for your time and your attention. We love our home on Table Rock Lake, and we look forward to future work with the Corps of Engineers. Thank you.

Moderator We'll go to Jeff Johnson. Please go ahead.

Jeff Hi. Long time Table Rock person and love what the Farias have done over at WaterMill Cove and would be absolutely in favor of Serenity

Shores, especially if that development is contingent on getting a boat dock. That's all I have.

Moderator Thank you. We'll go to Kenneth Pekarek. Please go ahead.

Cindy This Cindy Cunningham. I'm Kenneth Pekarek's wife who spoke shortly a little bit ago. We started this process, we're at Towers on the Lake at Emerald Pointe. We've owned our condo here since 2002.

We started back in 2018 on what I'll call this project. We had a fire marshal from Taney County comes out and look at the back of our condo building. He was very concerned about the threat of fire back here. So, we then contacted the Corps. They sent a ranger out. The ranger looked at everything, gave us permission to cut some limbs that were really close to the condo and some "invasive species" that were on the property.

We had the ranger come back to clarify what the invasive species were because we wanted to make sure that we were only cutting what we were supposed to, and we marked everything and cut pretty much everything down that he told us to.

Two years later, it's all grown back within a few feet of the condo. We need to get around this process that we have to do about every year. We agree with the Little Rock District forester about the Eastern Red Cedar. What we would request is that we were able to remove all of the threatening vegetation 200 feet from the base of our building to include what may be on the Corps-regulated land.

Storms, floods, ice, they all cause problems with the trees.

Dana Ma'am, you have 30 seconds remaining.

Cindy —which could come into the condos. In closing, prior to any final decision regarding the vegetation modifications, I would hope the board members either visit the back of the Towers on the Lake condos or at least review the pictures. Thank you very much.

Moderator At this time, there are no questions in queue.

Dana There are no further verbal comments on the list. We will move to item 3. We do have a couple of Corps presentations on the draft master plan and the draft shoreline management plan. We have a discussion of

information that was requested during meeting two by the Table Rock Lake Committee.

Up first is a presentation on the Commercial Remote Service Dock Program, Answers to Questions from Meeting Two, and that will be done by Ms. Becky Short.

Becky

Good morning, all. I do not have any type of PowerPoint presentation or handouts. I'm just going to read the questions that were asked previously, and I'll give you the answers that I found for those.

Question number one that was asked, "Is further Corps approval required for the commercial remote service dock program to continue? Was the program ever formally approved?"

So, that's still a question mark. The bottom line is whatever is written in the final shoreline management plan would require a signature from the division commander which would be higher headquarters approval required by the original pilot program. Whatever comes out in the shoreline management plan once it's signed by the division commander would the higher headquarters approval required.

Question number 2 is, “What is the recorded public comment regarding the community remote service dock?” I went through the scoping reports from the SMP and the master plan. In the shoreline management plan, the scoping report final that was done on November 15, 2015 there were five comments received to continue the remote service dock program. One comment received that they were opposed to marina expansion in front of their home. Two comments received to remove a specific area of marina buffer so they could add a slip to their private dock.

In the shoreline management plan focus group report final which was done on January 30, 2016, recommendation number 4-03-14 said, “Approved remote service dock, satellite location should stay in place regardless of shoreline or master planning classifications except in environmentally sensitive area classifications.”

Recommendation 4-03-21 was, “Eliminate marina buffer zone, and all current RLDAs should be converted to limited development area and retain appointed remote dock site locations.”

Then, there was a general comment that there are remote satellite locations that were approved, and these should stay in place regardless of the shoreline or master plan classification.

In the Table Rock Lake shoreline management plan draft release final report which was compiled and completed on June 14, 2018, there was only one comment received on remote service docs. This comment there was one comment stating objection to the elimination of remote service dock program stating, “The elimination discourages businesses who may want to locate in an area where they can be served by a commercial remote service dock.”

The master plan process in the scoping report final which was February 4, 2013, there were no comments received on the commercial remote service dock program. In the draft comment spreadsheet which was compiled on December 23, 2013, there were also no comments.

In researching the current policy that’s in place for Little Rock District regulation 1130-2-53 which was completed in 2007, signed and published in 2007, we do not have any background information on that report. In that regulation, it states that, “The need to limit the expansion of

commercial remote service dock concept is a result of increasing objection voiced related to vehicular and pedestrian traffic to communities adjacent to the lake and the impression gained that management favored commercialism over public use.”

Later in the document, it goes on to say, “Early results of the remote service dock program were desirable, but an increasing number of adjacent landowners raised valid objections to the practice of placing boat docks in areas near their homes when private docks were prohibited.”

Again, this is just what was recorded in the regulation itself, and we don’t have any of the background information that went into producing that document.

So, other than that, we have no other public comments from earlier events were retained. Typical record retention for the Corps of Engineers is six years.

The third question you asked is, “Is there a middle ground?” The project delivery team that worked on the shoreline management plan had extensive discussions regarding commercial remote service docks, and

what I'm going to share with you is what we had in our working notes, so what was discussed.

We discussed to continue the program as it is now allowing new remote service docks for resort conversions and at approved remote service dock sites. Pros that were discussed were provides more reach for people living near a commercial marina, allows additional marina slips without adding additional traffic in parks, allows additional marina slips without advertising a new concession, marina concessionaire knows the dock will be successful prior to building.

It's easier for the Corps to manage and administer than community dock permits, and that's just talking about the time man hours involved. It provides an option for resorts in marina buffer areas to convert to remote service docks at the same location if the resort stops operating as a bona fide resort.

Cons that we discussed were public perception that we are catering to concessionaires. It allows outside parties to enter a subdivision area to access remote service docks so an increase in traffic in those subdivisions. It increases boat traffic in a potentially high-traffic area around the marina

that can look like a mini-marina, and it is the policy that has only been in use at Table Rock like it was not picked by any other Corps of Engineers lake across the nation.

The master plan itself says the program has been rescinded. The master plan also had discussion on too much boat traffic specifically in the Kimberling City area.

The team also discussed discontinuing adding the remote service dock program. No new commercial remote service docks allow existing to remain as they are, so kind of a grandfathered status.

The pros to that would no longer have this Table Rock specific policy except for handling the existing docks, and there would be no additional traffic through subdivisions, and there would be no additional boat traffic from additional slips within the marina buffer area.

The cons is that the public would still perceive that we are catering to marinas because they still can't build a private new dock/slip within the marina buffer area.

There was discussion on—I'm scrolling through my document here. This was a continuing thing that our committee talked about, and we went through a problem-solving process where we identified the problem, and we identified it as Table Rock Lake has a commercial remote service dock program. It's a unique program to Table Rock Lake and it's not consistent with other lakes in the Corps.

We gathered information. It was a pilot program started in the 1990s, pilot being a three-year trial period. First known regulation was in October 1997. It stated the purpose was to protect the existing park shoreline from commercial dock storage expansion, it reduced marina traffic on interior park roads, and enabled convenient public utilization of quality commercial boat storage services outside of park areas.

The second regulation and the current regulation was completed in June 2007. It stated, "The purpose is to enable convenient public utilization of quality commercial boat docks outside of designated park areas." In Section 6A, the regulation refers to other stated purposes referring to a previous policy that, "Early results were desirable, but an increasing number of adjacent landowners raised valid objections to the practice of

placing boat docks in areas near their homes where private docks were prohibited.”

Title 36, which is the National Code of [indiscernible] Relations, does give preference to commercial marine services over additional private group mooring facilities. Commercial remote service docks are easier and more efficient to manage and administer than private community docks, however, they are not as easy as a dock that’s located within the prime lease area.

We discussed a commercial carrying capacity stating a minimum number of boat slips per area or zone has not been completed. SMP scoping comments were inconclusive. Many comments received requesting ability to add slips within the marina buffer.

Historically, we received complaints from the Kimberling City area landowners that wanted the program discontinued, reasons ranging from, “Too much congestion,” to, “I don’t like the additional outside traffic coming thorough to my subdivision,” to, “I can’t build my own private dock. The marina shouldn’t be able to build a dock either.”

Those were comments that were discussed that rangers had heard while out on patrols or just in the community, not things that were written down and handed in.

So, we developed our criteria. We developed screening criteria that doesn't negatively affect the balance of private and general public use, and then is it a violation of any law or regulation.

So, we decided that on either of those, the screening criteria was not a violation of a law or regulation. Then, affecting the balance of general and private use, we'll go on and discuss that later.

The part of the evaluation we had the criteria of fiscal sustainability, environment sustainability, public safety, economic development, and public perception. So, those were the criteria that we were going to judge all of our potential courses of action against. Then, we generated possible solutions. The solutions, I'll call them COAs for course of action.

COA 1 was to continue the program as is. COA 2, to end the program, policy is rescinded. COA 3, end date for the program where marinas could apply for a certain period of time which would be phasing out the

program, and then COA 4 is end the program but try to make a compromise by extending prime lease areas.

So, we went through all of those COAs as a team. We did some subsets of those. For continue the program, no action. We continue with current regulations, allowing for the existing resort docks to convert to remote service docks but no other new docks until a commercial carrying capacity is completed.

We considered a new remote service dock to support a resort. We talked about how the current policy is difficult to interpret. We talked about a Sub B for a new policy, similarly restrictive but easier to interpret, or it could have been a more liberal program.

Under COA 3, we came up with a—COA 3 was an end date for the program. We came up with a subset that we could have a new policy for the phase-out period, or we could continue with the current policy under the phase-out period.

So, we used our decision criteria, and we had a 0 of no effect up to a +2 for a major effect to a -2 for a major negative effect. Using those criteria,

and that being balance of general and private uses, fiscal sustainability, environmental sustainability, public safety, economic development, and public perception, we came up with two possibilities that had relatively similar, and that was COA 2 and COA 3B.

After discussion, we ended—as a reminder, COA 2 was to end the program, policy is rescinded. COA 3B was an end date for the program where marinas where could apply for a certain period of time phase out under the current policy.

So, the team went with a recommended course of action of an end date for the program where the marinas could apply for a certain period of time under the current policy.

Any questions?

Tammy

Okay, questions from committee members? Just to clarify, Becky, the comments that you're referring to about public perception were not received, in great total anyway, through the focus groups or the shoreline management plan comments. They are public perception comments that you're hearing from being in the field.

Becky                      That is correct.

Tammy                     Okay.

Moderator                We'll go to Janelle Hostetter. Please go ahead.

Janelle                    Just for Serenity Shores part, do I need to wait for that?

Dana                        No, ma'am. You can go ahead and proceed with your comment.

Janelle                    Yes, so, I frequently go to Table Rock Lake and Kimberling City area a lot, and I read some of the emails that you posted. My opinion is that Kimberling City needs the development badly. I think a development like this, what is proposed would be a huge asset to the community and only bring the type of visitors that we would want to come in this area.

I'm just curious why the condo development and the cove are able to have several docks, and this free development will not be allowed to have just one dock. I am in favor with allowing this dock to be built because it just wouldn't seem fair if they didn't get approval just because the area

neighbors don't want anything in their so-called private cove. That's all I have, thank you.

Tammy We have more. Okay.

Moderator We'll go to Steve Faria. Please go ahead.

Steve Hello. I hope I'm speaking at the right time, but first let me just address the concerns of nearby property owners. I've read all the emails in favor and against this project. Of the opposing emails, 71% of them mentioned that they do not want more docks and slips, 28% of them mentioned that they are concerned about speeding boats or wake buoys, and 24% mentioned that they do not want any docks in their swimming beach area.

First of all, our plans are to contact the water patrol and register for a no-wake buoy. Second, many state—they essentially want the cove to themselves and don't want anyone else there. Of course, they already have their slips on many large docks at Point 7 and Omar [ph]. Honestly, this sounds like a very selfish reason and not looking out for the best interest of other families that should be able to enjoy the lake.

Third, the majority of them mentioned they do not want any more docks built on Table Rock Lake. Table Rock Lake will never be the Lake of the Ozarks because the Corps has only 12% of the shoreline zone. What the opposers don't understand is that the dock is already approved with red line zoning. We are only asking to approve the guests that can utilize the slips during their stay. Also, there will be less boat traffic from this dock than a community dock.

I have two luxury resorts, and only 47% of the slips are rented out during the 60 days of peak time. The remaining ten months of the season, the slips are used less than 10% of the time. This 44-acre property has zoning to build over 600 condos. The proposed resort has 20 private homes only and a beautiful pool.

Dana

Sir, you have 30 seconds remaining.

Steve

This is the best possible outcome any neighbor could ask for to be developed on our four-zone property. Do we want 600 condos with the potential of 3,000 people or a small nightly rental luxury community that serves less than 300 people?

The new development will bring quality guests, 98% are families. Other resorts don't have the standards we do. We have tons of five-star reviews. We hope that you guys can approve this dock zoning request, and please approve the docks so we can keep having families enjoy beautiful Table Rock Lake. Thank you.

Moderator

We'll go to Ky Englund. Please go ahead.

Ky

Thank you. I read the emails, though my thought is the fear of the unknown. It's my understanding that Faria Resorts purchased the land from Holiday Inn or Intercontinental Hotels for that reason. I feel like we dodged a bullet. We've all seen beach towns and lake towns go the way of just commercial property.

Faria Resorts is something that we've seen. They focus on natural beauty. If this dock permit is basically contingent upon Faria Resorts building versus someone else more corporate, I would certainly suggest and recommend that we pass the commercial dock. Thank you for your time.

Moderator

We'll go to Brad King. Please go ahead.

Brad

I'm Brad King, a developer in Southwest Missouri and on Table Rock Lake. My comments are regarding Serenity Shores Resort and the dock rezone.

This property in its currently zoned state would allow for hundreds of condos or even a hotel style resort. Serenity Shores is proposing merely 20 homes to be constructed in a way that is environmentally friendly with as little natural impact as possible.

Of 40 acres of property, less than 50% of the property has seen impact. I believe the dock use and impact for 20 homes will be significantly less than the use would be for hundreds of condos or a Holiday Inn or a hotel-style resort property which would currently be allowed.

I've been a part of many developments on Table Rock Lake, and I will say that Faria Resorts builds a first-class product that should be supported in all ways. I would ask that you approve this dock rezone to allow him to continue forward with his resort. Thank you.

Moderator

We'll go to Roman Leontyuk. Please go ahead.

Roman Hello. I'm always concerned about what visitors we are bringing to Table Rock. I don't want it to be another Lake of the Ozarks. I would prefer families and not partiers. The research that I looked at sounds—and I know that this company caters to families. I am 100% in favor of this type of development if that is the case.

I would also recommend that they approve this dock. Thank you.

Moderator We'll go to Alex Pechenyek. Please go ahead.

Alex Good morning. This is Alex Pechenyek. I believe that everyone should enjoy the lake, not just the people that own a home on it, a personal home. This resort is going to bring and allow me to bring my close family from different states for everybody to enjoy.

I'm excited to hear that a new resort might be coming to Kimberling City. I don't think a new resort like this one has been developed for some time now. Thank you for this opportunity to express my opinion.

Moderator We'll go to Leah Lofton. Please go ahead.

Leah

Hello. I'd like to comment on the Serenity Shores dock request. I grew up living on the lake every weekend of the summer, and it's still something my family enjoys. I understand that this development, the development of Serenity Shores is 20 homes and not a huge condo development. I'm so glad that they're not going to build hundreds of condos. I wish condos were not allowed to be developed on Table Rock Lake.

Beautiful lake homes are a welcome addition because they're more family friendly, and they just look better in the landscape of the lake. I believe that the dock zoning request should be approved to allow this development to move forward. Thank you.

Moderator

At this time, there are no further comments.

Dana

Okay, so I'll apologize for the move backwards back to item 2, but we will continue back to item 3 talking about our presentations. We have the second presentation will be on Cedar Trees, Answers to Questions from Meeting Two. We have Mr. Jerry Judge. He is our forester from Little Rock District.

Becky Dana, before we move on, I just wanted to make sure. Did the committee have any other questions or remarks regarding remote service docks at this time?

Dana Rob or Patrick?

Patrick Can you hear me? Am I live?

Dana Yes.

Pat This is Pat speaking. You guys can copy, right?

Dana Yes.

Pat First of all, remote service docks, if there's any voting, I'm going to have to abstain because I have two commercial leases, and that's just too close to home, but I do want to ask, Becky. You mentioned that one of the options would be for the existing resort to convert to a remote service dock. That's something you considered in your working group. Is that right?

Becky That's correct.

Pat Have you had any such requests in the past and maybe the last five years?

Becky Off the top of my head, the last remote service dock that was approved was a resort conversion. That was Wildwood Resort in Kimberling City. After that, I do believe that there was one request in the Shell Knob area in Campbell Pointe area, but I don't remember the name of the resort. I do believe it was denied, but again, off the top of my head I don't remember the reason.

Pat Right, and I'm assuming we're talking about an existing boat dock, and it's a shift of the designation, but not an increase in slips or size of the dock. Is that right?

Becky That's correct. When we talk about a resort converting to remote service dock, we're talking about a resort that is existing within the marina buffer area, and that resort for whatever reason, has decided to sell into private ownership and no longer qualifies for a resort lease. So, their options are to either remove the boat dock from the lake or convert the remote service dock if all the needed amenities are in place.



Rob                    This is Rob Hunt on the phone. I was wondering if there would be like a written copy of those questions and answers on a remote service dock. I don't know if you're talking doing about that just so I can look at it and digest it a little bit better.

Dana                    Rob, to be able to provide you that, we would have to post that on the website concurrently, and I don't have the ability to do that right now.

Rob                    That's fine. I just mean like in the future, was the plan to post those questions and answers like a presentation or something?

Dana                    This meeting is being recorded both by a court reporter and by AT&T, so we will have transcripts available and posted to the Table Rock Lake Oversight Committee website for everybody to read.

Rob                    Okay, thanks.

Dana                    I believe we do have, if there's no further questions on the commercial remote service docks, we do have one more commenter going back to item 2.

Moderator            We'll go to Ben King. Please go ahead.

Ben                    Yes, I'm commenting on the Serenity Shores as well. I have grown up down there on Table Rock Lake and been fortunate enough to stay at the Faria's other resorts that they have built. I believe that Kimberling City is in desperate need of this new development.

I feel Kimberling City has been looking run down over the past few years. It's only going to get worse unless new developments start to take place in this particular area. Kimberling City has had many promises from developers, and nothing has happened over the past few years. If they are serious about building a new first-class resort, then I hope they start it as soon as they can before they change their mind.

I hope seriously that you consider approving this dock because Kimberling City would benefit greatly from this project I believe with other developments that would follow. Thank you.

Moderator            At this time, there are no other comments.

Dana Thank you. Okay, we will continue on with item 3 and continuing on with our presentations. Now, we will go to the Cedar Tree Presentation, Answers to Questions from Meeting Two Mr. Jerry Judge, our district forester.

Jerry Good morning. I was asked to come and maybe talk a little bit about Eastern Red Cedars since it has been a rather big topic at times for the committee and the plans. I just wanted to kind of bring everyone some information on what cedar is [background noise], some of the beneficial uses of cedar, and some of the challenges as well, then touch specifically on what seems to be some of the more common comments that have been seen in meeting comments and comments supplied.

Do we have the PowerPoint? I can go without it if we need to. It's only a few slides, but it's—

Dana If you are following along on the teleconference, this will be the Red Cedar PowerPoint that was posted to the Table Rock Lake Oversight Committee website page. Excuse me, Eastern Red Cedar PowerPoint.

Jerry

Okay, Eastern Red Cedar is a native evergreen conifer tree here in the United States in North America. It has one of the widest ranges of any tree species in North America. It can be found, along with a few closely related variants, on up into Canada and all the way down to the Gulf and as far west as getting into the grasslands and prairie lands of the Midwest.

It is not a true cedar. There are no true cedar trees in North America. The true cedars are limited the Middle East and far eastern countries, so technically all the trees we refer to as cedar here in North America are actually junipers or false cedars.

It's actually a little more closely related to trees like Bald Cypress and Revita [ph]. Anyone who's done any sort of landscaping or work with nurseries, you know there are hundreds of variations of Revita out there. Cedar is actually a little more closely related to those than a true cedar.

Cedar is considered a native pioneer tree species, and when I say pioneer species, it's one of the first woody plants that will move onto highly-distributed areas, open areas, abandoned areas such as pastureland, abandoned farm fields. It'll move into grasslands. It can move into heavily storm-damaged areas potentially. Pioneer species are typically

species that require full sunlight, a lot of sunlight in order to establish, so that's where it's going to move first.

Cedar has greatly expanded its acreage that it covers in the past decades to hundreds of years, particularly post-European settlement. Pre-settlement times, cedar was limited more to rocky outcroppings down in riparian areas, and this is because cedar is pretty easily controlled by wildfire, and pre-settlement days there was a lot of fire on the landscape.

When I say a lot of fire, a lot of wildfire, I don't mean the types of fire that we today associate with wildfire and we see on the evening news that California is burning up with multiple hundred-foot tall flames. These were widely-ranging fires that just meandered around the landscape, and they would kind of go out when weather conditions were poor, when it rained, and they would flare back up when conditions improved, humidity dropped, wind speed picked up, fuel loading such as grasses were there to carry the fire, and it would meander and wander around.

The Indians would use fire a lot as a management tool. They would see the benefits that fire would give of removing dead thatch and grasses and encouraging new growth that the wildlife would be attracted to. Because

they were utilizing the wildlife for sustenance, they learned to work with fire and promote fire to maintain their daily lives.

Once the European settlement came along, and you started seeing more and more improvements, fire started getting removed from the landscape because it was a threat. There was the potential that these ranging fires that just wandered around was a threat.

Removing it actually is what has benefited cedar in expanding its acreage that it can cover because now it doesn't have that natural predator of fire to keep it under control, so we're seeing it expand considerably, especially in areas that it's most suited to move into such as grasslands and open areas.

Cedar does have, especially when young, a fibrous spreading root system. As you can see by the wide range that it covers, it can tolerate and become established on a huge variety of soil types and climate conditions that range from Canada to the Gulf. You can see low temperatures in mid-double negative digits, you can see it up into the high temperatures into low triple digits. You can see a wide range of rainfall, precipitation measured in a handful of inches to a considerable amount.

It's a very adaptable species, which again, being a pioneer species, that's something that's required. It can become established on very shallow, rocky land, on rock ledges where there might not be much more of a soil except in the cracks in the rocks where it can start to sink its root system in there and become established. It can also tolerate virtual near saturation of soils down in riparian areas.

About the only thing it cannot tolerate is repeated flooding. So, between fire and flooding, those are kind of the two bookends that can either keep cedar from becoming established or eradicate cedar from an area from a natural standpoint.

Again, as a pioneer species, it's considered shade intolerant particularly to become established, and when I say shade intolerant to very shade intolerant, it does not like competition. It does not like adjacent competition. It does not like competition shading it out and overtopping it and shading it out to become established, however, since cedar is very hearty and very adaptable, it can survive in a—once it becomes established—it can survive for an extended time in a shaded understory such as hardwoods growing around it, overtopping it, pine trees and such.

Cedar can continue to survive in that shaded understory, mid-story, and we see that all around Table Rock where you have mixed stands of hardwoods, various broadleaf species, and cedar or pine and cedar, or cedar may be a little more dominant, and hardwoods are just coming on. It's a component or associate in a wide range of forest types and associated with a wide range of different tree species.

Cedar also only reproduces from seed. It cannot re-sprout from a stump. It cannot re-sprout from a root system. Once you cut a cedar tree down, as long as you cut it below the lowest live limb on the tree, you've removed that tree from the landscape, it will not re-sprout or regrow. Anything that comes back is going to be coming back from seed.

We can go to the next slide. Some of the benefits and uses of Eastern Red Cedar. I'd like to point out that those blue berries that you see on the female trees are not actually berries. They are actually cones. I said earlier it is a conifer tree. What we mostly think of as a conifer tree are pine trees. We think of various sizes of large, woody cones that release a lot of seed in the air, disbursed through the air. Those berries are actually very small cones. They only hold about one to four seeds in general.

Cedars actually can start producing viable seeds as early as ten years old.

That's a pretty small tree. A lot of trees take a lot longer than that, double, triple that amount of time before they start producing viable seeds. Cedars actually start producing it pretty early.

Those cones are actually a very good food source for a wide range of birds and also smaller mammals. They tend to persist on the tree through the winter. The ones that don't get eaten will tend to fall on the ground, and then if the light conditions are appropriate, they'll start to germinate, and you'll start to have more cedar trees coming up in the immediate area.

They'll also be disbursed. The seed, after those cones have been consumed by birds or mammals, they'll be disbursed out and around. That's how you'll tend to start to see cedar coming up in fence rows and whatnot where it wasn't previously planted. Birds will perch on the fence row or the post, leave the seeds, the seeds will germinate, and now you have the cedars coming up there.

So, besides being a good food source of the cones, other wildlife uses included such things as escape cover for species trying to avoid a

particular predator. Deer like cedar thickets to hide in. They also use it for shelter, shelter from wind events, shelter from rain, from snow. The good cover for that sort of thing.

Birds also use the materials. The bark is very fibrous. They'll use strips of bark for nesting materials, and there is some use to cedar foliage, live cedar foliage as browse. Deer will browse on cedar. It's not preferred. It's kind of the last ditch, but it gives them something to survive on particularly wintertime if there isn't much else out there, so they will browse on cedar foliage.

As I said, it is highly adaptable to a very wide range of soil and climate conditions. It makes it good for reestablishing or doing restoration work on something that may not support many other hardwood trees or pine trees for that matter. The soil conditions, the nutrient levels, the pH just won't support a successful planting. Cedar can move in naturally and start to become established on that.

Other beneficial uses include such things as windbreaks, view screens.

One of the characteristics of cedar, particularly when it's open grown is it retains those lower limbs. The live foliage on lower limbs works well for

windbreaks. It was recommended for a while in planting shelter breaks in your prairie states in order to break the wind up. It also has resulted in some detrimental things that we'll cover in a few minutes, but it functions very well in those cases.

View screens, it's an evergreen tree, so as long as the tree is alive, it's providing some visual protection whether it's someone who wants to use it as a view screen for their property, or if it's in the case of a recreation area where people are recreating on a lake such as Table Rock don't want to be seeing the activities that are happening on the shore. It provides a sense of privacy and protection.

It also has some benefits to the noise abatement. Same thing. You'd have a wall of foliage there. You have dense foliage even where it's mixed in with hardwoods or whatnot, it provides additional noise abatement. It can go either direction, abatement of noise on the look or abatement of noise coming from the shoreline. It can be beneficial there.

Erosion stabilization. It has a spreading root system, and because it will take root on very poor soils, it can establish some erosion control benefit pretty quickly compared to trying to plant other trees out there that really

aren't suited to the site or soil conditions such as shallow rocky that are going to make it very difficult for other tree species to take root.

The picture there on the right it going into a little bit about precipitation and interception of precipitation and its benefits, particularly in the case such a whether we're talking a riparian area along a stream or a creek or a river or the shoreline around a lake such as Table Rock.

The tree crowns will intercept the rainfall. They'll act as a sponge and retain a lot of that rainfall that will then evaporate back. It will also reduce the velocity of that rain as it hits the ground versus that raindrop proceeding unimpeded and impacting on the ground where it can actually start to displace soil. The tree canopies will catch that rainfall, and even once it's saturated the through-fall will come through at a much slower rate and not have that great a risk as soil displacement and movement from precipitation.

That is something that applies to all trees, but cedar being a tree that fills that niche very well, too, and especially on sites that don't support many other tree species very well.

Another aspect on the water filtration, water quality is the duff layer, the decaying leaves and small debris on the ground. That acts as a filter for not just the precipitation falling through the tree canopy that eventually makes it down there but also runoff coming from adjacent sources, particularly impervious sources like parking lots, driveways, roofs, patios, anything impervious where the water is going to hit and run right off, it enters into that duff layer, and that duff layer will slow it down.

Again, it acts like a sponge, soaks it up, reduces the speed at which it's proceeding towards the creek or the river or the lake. It also reduces the amount that's actually going into it, so from a flood control standpoint, having riparian areas, this is something that's been pretty well pushed very heavily in industry, logging and whatnot, leaving wooded areas along streams and creeks to protect the water quality recognizing the value of having trees and all the associated duff layer and the canopy intercepting rain and reducing the flow of water entering into the stream and potential erosion or other runoff that may proceed unimpeded to the creek without that duff layer, without that canopy and whatnot.

Like I said, that does apply to all trees, but cedar being a tree and being a very common tree around here, it does fulfill those many needs.

Cedar is also very tolerant of salts, so you'll see a lot of times cedar on the roadsides don't react the same as some other trees that may be impacted by the use of road salts. Also, salt that naturally occurs out there in the environment such as salt water, salt marshes, and whatnot. Cedar is more tolerant of those than many other species.

Cedar is also tolerant of a lot of herbicides. There are herbicides out there that will kill it, but those herbicides also tend to be very non-specific and will kill just about everything along with the cedar. So, in cases where herbicide use may be going on, whether it's agriculture or around homes or whatnot, cedars that still have a chance to survive and continue if it's one of the lighter herbicides [indiscernible] type herbicide, if you think of something like Roundup if you're doing your weed control. Those kinds of herbicides just aren't going to affect cedar.

Probably the most common thing that we think about or benefit that we think about from cedar are the uses of the wood, the aromatic wood that's used for cedar chests, for lining closets, for paneling. The heartwood is highly resistant to rotting, so it's been very popular for uses in wood

fences, for fence posts. Shavings for animal bedding is another popular commercial use for cedar.

Go to the next slide. So, those are some of the benefits and uses of red cedar. There are also some challenges with the Eastern Red Cedar. One of the most common things that's brought up is flammability, and Eastern Red Cedar, like a number of other evergreen trees, pines, and some other broader leaf evergreen trees do have their foliage does contain oils and resins that is flammable, and it can cause it to ignite and burn much more easily than the live foliage than a lot of broadleaf hardwood trees.

It can also act, because as I said earlier, the cedars especially in an open grown area will retain their lower live limbs with live foliage on it. That foliage can act as a ladder fuel under the right conditions, and take a surface fire that's burning within several feet of the ground and actually carry it up the tree causing the tree to torch out and potentially spreading it to additional smaller groups of trees.

So, there is some flammability risk under appropriate conditions that cedar can cause a problem. If you get into windy situations, and you start seeing that activity happening where an individual tree is torching out groups of

trees are torching out, that can also spread burning embers downwind.

Cedar can be pretty prolific on providing some embers, again, under windy or under the right conditions, and then it can cause fire to spread further down into the appropriate fuel type, particularly light grasses, or whatnot that ignite pretty easily from an ember.

Cedar is very susceptible, particularly at a young age, to fire. This could be a detriment. It could also be a good thing. That was one way to control cedar is with fire at a younger age, but it's also susceptible, as I mentioned, talking about ladder fuels, those small trees that have limbs down to the ground can very easily act as a ladder to carry a fire under more extreme conditions up into the crowns and cause trees to torch out.

Older trees are not quite as susceptible. Even though the foliage is still the same, older trees, and particularly trees when you find cedars mixed in with hardwoods and pines, those lower limbs are starting to die off, so you're losing that ladder fuel effect. They don't have that live foliage down close to the ground that can catch a surface fire and carry it up. They're not as susceptible.

The bark is also getting thicker on older trees, so they're not as susceptible to being killed off by the heat of a fire as it passes by compared to a small tree that even if the foliage doesn't torch out, it is possible that the fire can get hot enough that it actually cooks the bark there at the base of the tree and kills the tree that way.

Cedar can develop into dense thickets and create monoculture stands.

While it has some very beneficial uses for wildlife, it can also when it starts to create a large, dense thicket monoculture, it can be detrimental.

Dense foliage will shade out all your additional younger grasses or make it more difficult for trees to become established.

In some spaces, and particularly where we get into where it's moved into grasslands and pasturelands, and you have grasses around it, that's one particular area where it can really cause some problems especially when you get large expanses of it. Small thickets can provide good cover, but the larger it gets, the more monoculture it gets, and so it becomes a bigger problem.

Eastern Red Cedar, the debris is very persistent. Like I said, the heartwood is very rot resistant since it tends to stay on the landscape for a

long time. If you go out there to areas where cedars have been cut and left for years and years, you'll find the skeleton of the tree still sitting there. It just doesn't decay very quickly. You'll find cedar stumps for decades in larger cities. The sapwood is all rotted away, but the heartwood of that stump is still there, and the decaying foliage can alter the pH of the soil surface that it's growing in.

So, this doesn't necessarily restrict or keep other trees from becoming established around cedar, but it can alter that pH somewhat to where it's not quite as conducive to it. This is a little different from trees like Black Walnut or the non-native invasive Tree of Heaven that actually exudes a chemical into the soil that actually restricts other trees from becoming established.

Eastern Red Cedar just modifies, can modify the pH a little bit which we also do that quite frequently in agriculture or in landscape and gardening. We're adding some lime to it to reduce the acidity of the soil. That's somewhat similar to what Eastern Red Cedar can do. It's a high calcium content in the needles.

It is considered an invasive plant. It has been listed by some states as an invasive tree, particularly states that rely heavily on agriculture and grazing such as Oklahoma, Texas, Kansas. There are multiple papers out there on the best way to eradicate cedar from your pastureland, from your grazing lands.

In Missouri and Arkansas, it is not listed as an invasive species. It can still be considered invasive by individuals or by an organization that is working to do habitat restoration work such as restoring warm seasons grasses or grasslands.

In those cases, it may still be considered invasive to the management's goal because cedar and grasslands are not a good mix; the cedar will displace the grassland. It will displace the pastureland. It will reduce the economic viability of that pastureland, and then it costs more to eradicate and remove it, but it's not considered, it's not listed as invasive in many other states. It's a component of many different tree types, forest types and is associated with a number of different other species.

As a pioneer species, it's not considered a climax-type tree over the long run, over the normal succession of grasses and trees in an area. It starts

out early, and because it doesn't impede as well, it gradually becomes, in many cases, a less dense component of the climax forest that makes up your oaks, your hickories, your beech. Many other species will gradually take over the site in normal succession.

It can be a water hog in dry climates. That's another comment that you frequently see especially from states like Kansas and Oklahoma where they're really pushing the grazing lands and the value of pasture lands.

For uses such as riparian areas, along streams and creeks, along shoreline use, that water hog isn't as much of a concern because one of the benefits is reducing the amount of water that gets into the river system or gets into the lake. It can reduce the problems caused, flooding and such or storage capacity in a lake, retaining that moisture. Where you have plenty of moisture otherwise, it can actually be a good thing.

However, noting the states that consider it invasive, they also have less rainfall, water conservation and water use to support the grazing activities, agricultural activities. That's another reason why Red Cedar is considered invasive in those states.

Then, like most other trees, the Eastern Red Cedar is susceptible to ice and wind damage. Being an evergreen tree, it's a little more susceptible to ice damage because it has more surface area there to catch and retain and hold ice.

From a snowfall standpoint, it actually handles it a little better than many pines and other evergreen trees. The very small foliage will shed that snow a little easier, but ice because it coats, it builds, yes, it is somewhat more susceptible to ice damage than a typical hardwood in the wintertime, however, all trees are susceptible to some degree or other, to ice damage.

Wind damage, because it tends to have more of a shallow-rooting system, it is a little more susceptible to wind throw where the whole tree blows over at the stump, and the roots pry up, but that's not something that's unique to cedar. All trees are susceptible to that to some point. Cedar can be a little more susceptible to it than some others.

Go to the next slide, last slide. I just wanted to touch briefly on what seems to be some of the more common comments or discussions that were raised in past meetings and all comments that were submitted.

Several times there have been comments in there about replace it with warm season grasses. The impression I was getting as I read some of those comments is there seems to be this opinion that because cedar was seen as being so flammable, if we get rid of the cedar and replace it with warm season grasses, the warm season grasses will work for erosion, and we won't have as much fire risk. That's really not the case.

Warm season grasses are fire dependent. They need fire in order to keep perpetuating themselves. In wildland fire speak, they are a one-hour fuel. The grasses are the fastest-drying fuel type out there and under conditions that are not as severe as it might take to eventually get your woodland leaf litter to dry out.

When grass fires start, they can start quick, and they can burn very intensely and very quickly. The slide on the left is actually the start of a prescribed burn in warm season grasses. The foreground there is actually where they put a firebreak around the area where they mowed it down, flattened, removed, or even maybe lightly disced the grasses to keep it from burning back and getting out of control.

That's just the start of a warm season grass burn. These are under conditions that the burn boss is confident they can control and keep that fire within those fire lines and fire breaks.

Replacing cedar with warm season grasses is not going to really do anything to protect against the potential for fire. If anything, in my opinion, it's going to make it even worse.

Then, you also lose, by removing all those trees, you lose all the benefits of water filtration, intercepting precipitation, reducing velocity because now the rainfall isn't going to be intercepted higher up in the canopy. It's still going to be impacting the ground and impacting those grasses, and you're also trusting that you could actually establish warm season grasses on all those wide variety of sites that cedar is found on, and that's also really not the case.

Warm season grasses do take a lot of effort to get a good crop established. Typically, they're put in with seed drills. The preexisting competition, weeds and such, are removed. They're either chemically killed or disced in or something. A lot of that activity is just not possible on the wide variety of soil conditions you find in the shoreline around Table Rock and

other places. Plus, you're looking at soil disturbance that increase the potential for erosion while you're trying to establish those warm season grasses.

There are fantastic places to reestablish warm season grasses because we've lost so much with the loss of fire on the landscape, but the shoreline around Table Rock really isn't a good, suitable place for grazing lands. I'm interested to see the comments that might be made trying to graze right to the lake.

Another frequent comment was remove all Red Cedars within X feet of distance, 100 feet, 200 feet, whatever. Just blanket remove them all.

Again, the challenge there is cedar is growing out there under a wide range of conditions. Yes, there are some dense thickets, but there's also where cedar is just a small component of the stand.

To go in there and just do a blanket remove them all regardless, it's not economically viable, and it's really not necessary to just blanket remove them all, not when they are components with other trees as well. You would also lose, again, all those benefits for water filtration, rainfall interception, the visual screening, the wildlife uses that evergreen trees,

being one of the few evergreen trees that occurs naturally out there in the landscape area, you're going to lose all those benefits just by blanket removing all cedar regardless.

There were also comments about replace the cedar with other trees. While that, in theory could be a good idea in certain cases, again, it's going to be very challenging because of the wide range of conditions that the cedars are growing in. Replacing other trees where the soil is very shallow and would be very difficult to get other tree species to grow where cedar will, you're taking a very big gamble, and very real possibility for failure of trying to replace those trees.

So, now not only have you lost the benefits the cedars are providing, now you're not able to replace them with trees that either don't want to grow or will grow very slowly and will take an extended period of time to replace those values. So, again, just a blanket remove all or replace them all isn't really a good idea. That's the type of thing that needs to be looked at on a site-by-site condition and rated and reviewed.

Finally, quite a large number of comments about the vegetation modification permits both supportive of the current standard or the

proposed standard of a three-inch stump and some concerns about maybe trying to bump that up a little bit. I won't get into three-inch versus four-inch or three-inch versus two-inch, but I will say one thing that those vegetation permits are targeting very well is that potential for cedar to be a ladder fuel.

You're taking out those smaller cedars that have the potential for low, live foliage. You're removing that ladder fuel, so you are getting some benefit from those vegetation permits from a fire standpoint, the potential ability for young cedars to raise that wildfire potential up into the canopy of trees to torch out into groups of trees.

That's pretty much what I have. If there are any questions?

Dana Any questions or discussion from the committee members?

Ryan I have a question, and you said you didn't want to go there, but I'm going to make you go there. I need to know the difference between a two-inch and a three-inch and a four-inch cedar from a standards standpoint. Do you know what I'm saying? It's a hard standard in the shoreline management plan. It was two, now it's three. Why do you see the

difference between getting rid of a two-inch or getting rid of a four-inch cedar?

Jerry

The difference as I read it is the previous standard was two inches at DBH, diameter at breast height, four and a half feet. By going to a stump diameter, it makes it easier to determine what was actually there. There are calculations and tables that you can use to try to determine the size of the stump relative to what the DBH was.

Measuring the stump could be much easier to keep track of. It could also make it easier for the homeowner who's a landowner who has the permit to tell pretty quickly just laying a ruler across it rather than trying to figure out what two-inch DBH is for someone who's not regularly exposed to the lingo.

Ryan

I get the mechanics of it. I'm saying as far as the tree itself and the landscape. Why is getting rid of a 2.9-inch tree okay and getting rid of a 3.1-inch tree bad?

Jerry

The younger trees are the trees that tend to have the foliage lower to the ground. That low foliage to the ground can provide the ladder to get

surface fire from the ground up. As cedar trees get older, particularly in a mixed situation where you cedar growing with other hardwoods, other pines, the larger trees start to shed those lower limbs so that fire potential is being reduced. That ladder fuel potential is being reduced.

As I said before, I'm not particularly big on blanket treatments across to eradicate all cedar or distance for all. In this particular case, though, setting some limit like that will target those trees that are more susceptible to causing problems at an early age versus making it a larger and larger diameter where those trees are becoming less of a potential threat for fire.

Ryan

I'm sorry to keep going. What's the growth rate of these trees? How quick will a tree go from starting to get to a three-inch tree based on the measurement?

Jerry

It can vary widely depending on the site conditions. Poor, rocky, shallow soil areas, that tree is going to stay small for a long time. You get on a good, fertile, bottom land riparian area, and those cedars can put on some pretty substantial growth.

Going by the [indiscernible] books and whatnot, cedar typically grows from half a foot to about a foot and a half a year on a rough average. That doesn't equate well to diameter. There are a lot of different things that go into how the tree grows along with if the tree has a lot of competition like it's growing in a thicket. The trees are trying to outgrow each other vertically trying to stay in that sunlight, so your diameter may actually stay smaller as it's putting more effort into growing vertically.

On a very poor site, that tree might not be putting a whole lot of effort into growing vertically. It doesn't have much competition, so it may actually put diameter on a little bit faster.

Ryan

Great presentation. Everything I'm hearing though it almost seems like there's no blanket anything can be applied to this situation. Everything you described was case-by-case. So, if I go out to this piece of shoreline, you as a forester might recommend X, and if I go over here, you might recommend Y, and it's not based necessarily on a three-inch tree. It's based on 17 other factors that would go into play.

Jerry

In short, yes. That is possible. now, say the vegetation permit as a blanket application does kind of cover a lot of the early concerns up to whatever

the choice is, if it's three inches or two inches or whatever, but getting beyond that into these other areas that had been mentioned like eradicating all cedars, that's something really depending on the site, really something that is better, in my opinion as a forester, better looked at to match the response to the needs of the area.

Ryan

Then, one other question, I guess. So, based on the thing that you say that cedars provide that are positive, and the things they provide that's negative, what kind of person could design a replacement that keeps the good and gets rid of the bad? What kind of professional is that? That's what I mean. I'm an engineer, but I'm not the one giving design landscape, but I don't know who that person is.

Jerry

That's, to a large degree what foresters do overall, whether it's cedar or whether it's pine management or whether it's hardwood management, oak management looking at the site and making prescriptions based on the needs of the area.

If you're talking about around the house, around the home, landscaping, certainly a landscaper would probably be a good one, but somebody familiar with, who's comfortable and familiar with what trees require to

grow, what kind of soil conditions are more suited to one species versus another species, someone along those lines.

Ryan

What I'm seeing is that—and I think the rule as it sits right now meets 95% of the cases in time. You just follow it, everything is fine. What I'm worried about is that if someone comes in, and they have a legitimate reason to take out a 3.1-inch diameter based tree, the rule says no. The Corps doesn't have the ability, based on what I'm seeing, unless you call it invasive, which it's not, of allowing that.

It's simply, even if everyone in this room agreed that that tree needed to come out, the rule says you can't do it because you can't give a permit to cut a tree of that size.

So, to me, what I'm wondering why there isn't a way, under certain conditions, to get an exemption, a waiver, I don't know what we call it, but to have someone like yourself or another forester or whoever that is to develop a plan to come in and say, "Okay yes, this can be done. We can mitigate the harm. We can get the good, but we don't have this blanket statement that says this tree is 201 feet away from that habitable structure. You can't take that tree out. That tree is protected because of that."

Regardless of what we might all agree, and I guess that's my concern with rule is those hard lines in there, it doesn't seem like this fits a scenario with hard lines. It seems to me that if you're going to have to get a permit anyway, why can't the permit have a provision in there that has something site-specific in it?

Even if you come back and say, "Hey, you can't take that out. You're going to have to do X, and X is going to cost you a fortune." Well, if I'm willing to spend a fortune, it seems like I should be able to spend a fortune to mitigate. I don't want to do any harm, but it seems like we ought to be able to design a system that allows for something site-specific in certain circumstances, still up to the Corps' provision. You're still issuing the permit, so you still have the ultimate say in what that permit has to say, but right now we've tied the Corps' hands on a 3.1-inch tree that's 201 feet away.

So, that's my—I mean, everything you said seemed to agree with that because it seems like it's so site-specific. Is a flat area, is it on the slope, is it rocky? What's the soil? So, that's more of a comment for later.

Sorry.

Tammy                    That's all right. Are there other questions from either Rob or Patrick or anybody else that's in the room?

Rob                      This is Rob Hunt. I agree with what Ryan was saying. It does seem like there's a limiting factor there, so I appreciate those comments.

Tammy                    I very much appreciate the presentation because it helps to frame the pros and cons of cedar trees and that they are here. They're part of our ecology that we have in the area. So, how do you make use of that thing that is here, naturally it's here, and yet set up some guidelines? I also understand where Ryan and Rob are coming from as well. Does it have to be so stringent in all of that?

Before we listen to the next piece, could we take that ten-minute break?

Alright, so ten-minute break. We will start again at 10:00.

[Break]

Tammy                    Okay, the clock in the room says 10:00, and so we are going to go ahead and get started. Dana, do we have any other public comments at this time, anyone that's in the queue?

Dana                     There is nobody in the queue at this time.

Tammy                    Okay, just wanted to double check on that. So, we're going to go to the presentation on 3A3. Is that right?

Dana                     Yes.

Tammy                    Alright.

Dana                     So, this will be a presentation clarifying the language on dock violations, and this will be from Mr. Rodney Raley.

Rodney                    Okay, I don't have an actual presentation, but I just wanted to address, at the last meeting, as far as the language on the dock violations. I think the question really came more on, you asked on a community dock if there's a violation, is it the one individual, or is it the entire dock.

We went back and looked at the language, and really we believe the language is adequate the way it is, and I'll explain why. The way it's worded allows us the flexibility to either address a violation with a single owner of the dock or the entire dock in itself.

So, for example, one of them is talking about driving or unauthorized use of a vehicle. There may be a situation where one owner of the dock is driving a vehicle off authorized roadways, say from his residence up and down the shoreline, and if it's the one individual that's doing it, we want to just address that individual.

There's also a situation, and I know of a current dock where we do a renewal inspection, and the entire dock has created a road say off of a subdivision or a public road driving to the dock. We've required the entire dock to renew the permit to actually put up rocks and barricade the driving to the dock.

Then, some time in the future, we go back out, and they have removed the rocks, and there's four cars at the dock, so all members of the dock are actually in violation of driving to the dock. So, in a situation like that, we

want the dock to be held accountable for the actions of all the owners in a situation like that.

Also, similar to that is we talk about vegetation. One individual may cut a tree or cut trees at a residence, unauthorized. We want to hold them accountable. There's also situations we've had where a dock removes several trees. They want to keep adjusting their dock up higher or move their dock, so they'll cut trees around the dock. Once again, the whole dock should be accountable.

So, the wording, just an example, the state's restricted use of a boat slip by barricading the slip or dock. So, it covers both an individual or the entire dock depending on the situation. This just allows the flexibility of the scenario that happens.

Any questions?

Tammy

Any questions from a committee member?

Moderator

[Operator instructions].

Tammy Stacy, is there a Patrick Cox? I think we might have lost him, and I was wondering if he's still on the line if you could unmute his phone line.

Moderator One moment. I don't show him dialed back in yet.

Tammy Okay. If he shows up, if you would please unmute his line, please.

Moderator I sure will.

Tammy Thank you.

Moderator You're welcome.

Tammy For the committee members that are here, going back, are there any questions on the presentation we just heard? Okay, we're going to move to item number 4. We have a Corps presentation on the commander-recommended review of a permit. This is a discussion on the Serenity Shores request for the new resort lease, and this will be presented by Mr. Rodney Raley.

Rodney

Again, I don't have any slides or formal presentation. As you're aware, Faria Resorts has submitted a request for a new resort, a limited motel resort lease on Table Rock Lake. The current Little Rock policy does require that any new requests go out to the public for public comment and review.

A news release was submitted or put out on March 2<sup>nd</sup>, and it goes through April 1<sup>st</sup> of this year just requesting any comment on the proposed resort lease.

We received 58 comments; 47 were in opposition to the request, 9 were in favor, and 2 were neutral, just general comments, neutral comments. The majority of the comments in opposition were really regarding safety, overcrowding, and too many boats in the current cove.

The area does have a limited development area which we require along with any private or community docks. We do require limited development area for a resort dock as well, so there is a zoned area that can physically hold a dock in that location.

Other than that, you heard several of the call-ins today, but we just wanted to—we've had discussions on the dock, and after several discussions with several of us, we thought we really would like to submit it to the oversight committee and get some input, so we'd appreciate your input.

Tammy I have a question. Of the public comments that you just mentioned, 47 in opposition, 9 in favor, 2 neutral, were those part of the comments that we received, or is that something entirely separate? Maybe they were there and I just didn't click on that link. I'm just trying to understand where they were or if we've seen them. Sorry.

Dana Yes, all 58 comments that were submitted were posted to the website.

Tammy Okay, and they were labeled under the Serenity link.

Dana Yes.

Tammy Okay, got it. Thank you.

Pat Can you guys hear me?

Tammy Yes, we can.

Pat Can I ask Rod a question?

Tammy Please.

Pat I got cut off, so I think I missed the first part of what he said. We're talking about Serenity. Is that correct?

Rodney Yes.

Pat Now, explain what they're currently allowed to do, a 20-slip dock. Is that right?

Rodney Yes. I mean, they're required to put in, at the current time, a 12 to 20-slip dock, maximum 20-slip dock to meet the same number of slips as our shoreline management plan.

Pat So, essentially, as we sit today, we can just know or realize there's going to be essentially a 20-slip dock in this location that folks are concerned about. Is that right?

Rodney Correct.

Pat Then, the use pattern will be similar or essentially a community dock where they're individually-owned slips. Is that right?

Rodney No. What they are proposing is a resort dock which the slips can only be used by the overnight guests of that resort.

Pat I'm suggesting is that is not approved, then it will become a 20-slip dock for owners.

Rodney Yes. If the resort dock is not approved, there is potential if they want to put in a request or a [background noise] dock. Yes, they have that option.

Pat Right. The way it sits now with the plan here, that's essentially a reality. So, what I'm trying to do is move past the fact there's going to be a boat dock there. That's assured. So, now we're talking about use patterns and the concerns related to that.

Now, maybe provide some more color on what a resort dock is and what types of activities could be done on that dock. Would they be allowed to have a ship store and fueling?

W Currently for resort docks, as long as it does not have more than 100 overnight units, the dock can only have the moorage and a small storage area. It's only the resorts that are greater than 100 overnight units that can have fuel and sales or sundry items for sale.

Pat Okay, that's what I recall. So, we're not talking about a chateau marina setup which we operate. We're really talking about a 20-slip boat dock that looks and feels just like the 20-slip boat dock that's going to go in anyway. Now we're concerned about the use pattern of an overnight guest bringing a boat down versus someone that keeps their boat there permanently. Does that get to the heart of this?

Rodney Correct, and along with the requirements of the resort is basically they're allowed a foot path in the dock. There's no parking amenities or anything on public land. It mirrors a community dock that you can see out there.



So, I think the commenters, some of them may not have understood that that was a real possibility, and they thought that if they just said no to this that that would eliminate that possibility, and that's just not the case because the LDA is there. It's already there.

Tammy

Yes, Ryan.

Ryan

The process is you can put a dock in for private use without this permit, but you need to get a permit because it's commercial.

Rodney

It's two different—the private community dock, the process is different. You do not have to go out to public comment for a private community dock. The resort policy does require the public comment period, so if somebody wanted to put a 12 to 20-stall dock, and they approach as a private community dock, we would go through the normal inspection process and approval process in-house, but this one does require to go out to public.

Ryan

This permit that you put out to notice, it meets all requirements, right? It meets every distance between the docks, it meets all the requirements.

Rodney Yes. There was an inspection just to look at the physical aspect of the dock, spacing from other docks, cove width, slope, everything. So, it does meet the criteria physically for a dock.

Ryan Okay.

Pat Rod, so let's say a 20-slip dock goes in. It won't be able to be expanded. What governs the size of the dock? I'm sure it has to do with space and the number of lodging units. Could you comment on that?

Rodney Yes, well 20 slips in our current SMP and I believe in the proposal, 20 slips is still the maximum number. Even though a resort dock, the size needs to mirror the shoreline management plan, so 20 would be the maximum number.

Pat Okay. That makes sense. What the resort designation allows the property owner to do is to accommodate folks that are wanting to keep their boat overnight and such as opposed to just having one boat in one slip permanently.

- Rodney Correct. It allows like it would be a limited motel resort lease, and that would allow them to, along with the unit cabin or such that's a rental, it would allow them to utilize the dock for their overnight guests.
- Pat So, the potential for boat rentals out of this 20-slip dock if it's approved as a resort designation.
- W If it's approved as a resort dock, they can have boat rentals for their overnight guests at the resort, so you would have to rent a room at the resort to rent one of their boats, and those boats could be moored in the boat slips.
- Pat Is there any ratio or mechanism that determines how many boat rental units can be stored or utilized at that boat dock?
- W No. That's something that's left up to the resort owner to make a determination on what best fits their business model as far as determining how many slips they want to use for housing their rental boats versus how many slips they want to keep for their guests to bring their own boats. It's a decision that they have to make.

The ratios that come into play is they could set aside up to—I'm trying to remember the exact number, but there's a certain ratio of slips that they can set aside to be courtesy slips, so people boating on the lake, if they wanted to come up and go to the resort store that is on private property, they could use those courtesy slips for that.

Then, there's a limit on the number of [background noise] number of overnight units that are on private property. They can only have one [audio drops] slip per overnight unit plus two slips for the owner's use however [audio drops] limited by the maximum number of slips that's allowed in one boat dock which is 20.

Pat

So, 20 is the max under any scenario be it a courtesy slip, overnight slip, or rental slip. I can see a scenario based on the comments where if you did have 20 wave runners or 20 ski boats rented out of one dock at the back of the cove that that creates some density and activity that could be detrimental that could be addressed with some middle ground there.

How many units are they planning to build on the property? I recall 10 or 12 individual cabins, large cabins.

Rodney I believe it was around 20.

Pat Okay. That's something the committee could think about in terms of recommending the resort designation but allocating 50% of those slips, not to exceed 50% of the slips for rental activities perhaps, boat rental activities I mean.

Dana By the same token, you could have a 20-slip community dock, and everybody could be using their boat at the same time.

Pat For sure, absolutely.

Dana It's the same thing. What most resorts will do is designate a few slips for rentals, but they'll leave the majority open for people to bring their boats because if you call to rent a room, and they can't bring their boat because all the slips are taken up by rentals, then they're not going to rent a room there.

That's what they will normally do. They'll have a small fleet. Maybe in a 20-slip dock, I would say they'd have two or three rentals probably.

Pat Yes, not having a fueling service and some of these support assets, it'd probably be prohibited to have a rental fleet of that size anyway, but being in the rental business with 80-plus rental boats, I can tell you that the rental boat activity is busier than a typical dock with owners in it, so we felt like we needed to address that aspect that the concerns have been brought out about. It could be part of a recommendation.

What comes to mind is something like a 50% because that's essentially a pontoon boat for every large unit you're going to build, at least initially. That probably could handle a lot of their needs and still have the overnight slips available, too.

As an owner, I would think it would be having that kind of allocation anyway in a business plan, so this wouldn't be—it seems like a natural middle point to me. That would then address people's concerns about that kind of traffic.

Tammy Are there any other questions or comments related to this presentation?

Moderator We have one commenter in the queue. One moment. Connie Faria, Please go ahead.

Connie

Hi, my name is Connie Faria, and I'm the wife of the developer, Steve Faria. We are asking that our boat dock be approved for resort zoning because without it, we may not be able to continue with our project. We build only high-quality, luxury resorts that look great from the water.

Our plan on this particular piece of property is to build only 20 homes on one-acre lots to preserve the beauty and natural surrounding at Table Rock Lake. We are going to have as many trees as allowed to complete our project.

Our concept is unique as we build only individual homes in a resort community. We found that during the current crisis, our customers need our resort to escape and recoup. Our customers feel safe and at home when they visit our resorts. We also will be adding thousands of tax dollars to the area businesses.

When our customers come to the lake, they don't just stay at the lake. They visit Branson and Silver Dollar City. Along with the added tax dollars, we will be adding jobs for the community seeking jobs.

We have already received approval from the Corps for a dock. As you previously discussed, there will be a dock resort or community. A community dock will be used much more than our proposed resort dock. We plan on having only three boat rentals to address that concern you were just discussing as well. All of our other resorts only have three to four boat rentals.

Dana Ma'am, you have 30 seconds remaining.

Connie Okay. The new dock would also essentially cut off any opportunity from potential speeders since there will be a no-wake area within 100 feet of this new dock. We have done all of the requests the Corps has asked of us including proper zoning, site inspection, public announcement, archeological setting survey, and more.

We respectfully ask that you will approve the resort dock zoning request.

Thank you.

Tammy Thank you. So, Dana, you're going to have to help me with this piece because I know this is the third of four meetings, right?

Dana Yes, ma'am.

Tammy So, today, one of our asks as a committee is to begin to draft any recommendations that we might have so that at meeting four, we finalize it. Is that right? When do finalize things? Do we have to have final copy today?

Dana Final copy today. Any recommendations you may have need to be presented today, and meeting four will be when we come back and have final presentation back to the committee and back to the public on what recommendations we accepted and what recommendations were not accepted and why they weren't accepted.

Tammy Alright. So, our first—

Dana I have one more thing to add.

Tammy Go for it.

Dana I apologize, this is kind of a work in progress. We have allotted three hours for public comments, so before we actually start getting into the

committee discussion and recommendations, the three hours would be officially up by 11:00. I am asking the committee what they would like to do, if they would like to wait if there are anymore public comments to be made—there's nobody in the queue right now—or if you would like to continue moving on with your discussion and recommendations.

Tammy

Well, committee members, tell me what you'd like.

Ryan

I guess—I'm not one to delay it, but I'd like to get all the public comment before we start a discussion because I don't want a comment to then be feeding off our discussion back and forth. I'd rather, if there's public comments, get them done, and then I have a process question to ask in a second.

Tammy

Okay. Ask the process question.

Ryan

My understanding of the Serenity thing is that's completely separate. That's a separate—that's not part of our shoreline management plan recommendation. That's a recommendation based on the permit application. We should handle that separate is my understanding.

Dana Yes. The committee can review any permit to be issued under the provisions of the existing master plan and shoreline management plan, and that would be item number 7.

Ryan So, with that in mind, we don't need to hold up any kind of anything until September. We need to give you a recommendation today that's final on the Serenity thing if we can, if we want to, and then we move past that issue. That way, you can do whatever you're going to do with that permit.

Dana Correct. We're looking for final recommendations on this permit, on the master plan, and the shoreline management plan and the associated documents like the environmental assessments.

Ryan On the shoreline management plan, though, I thought one thing we were going to do is we have recommendations today, but we won't have a chance to have them written up and put back in front of us today. Do you know what I'm saying? I can sit there and tell you my recommendation on cedar trees, but everyone won't have a chance to see it in a written document.

That's what I thought meeting four would do is that at meeting four we would actually have that—we'd make the decisions today, but at meeting four is when we would have them put back in front of us to finalize it.

Dana Yes, meeting three, again, we are looking for the final recommendations. As a committee, you can make the recommendation that we have another meeting to do this. That is the committee's discretion.

Tammy I want to echo a little bit about what Ryan is mentioning. So, the process would be then if we finalized recommendations today, we would come back to meeting four, and we would hear at the same time as the general public what the recommendations are, but yet we're sitting in a committee meeting where they are allowed to interact. Is that what this is going to look like, the general public?

Dana Can you repeat the question?

Tammy So, meeting four we would come to the meeting. Will there be public comment, and then you would present this, and we're sitting there going we heard the same time you did, general public?

Dana So, meeting four, after today, there are no further public comments, neither written nor verbal. Today ends public comments.

Tammy So, if we make recommendations, you come back to us in meeting four and say this is our final plan. There's no opportunity for us then to affect any other decision. We're done.

Dana Correct.

Tammy Okay.

Dana I had said earlier when you do move to make a recommendation, I would highly suggest using something very formal in structure like the Robert's Rules of Order. Somebody makes a motion, somebody seconds, and you take a vote as a committee.

Tammy Okay, and Ryan—

Pat Dana.

Tammy I had the same perception as you had, so Rob or Patrick, do you have a comment?

Pat I have a question for Dana. Can I go ahead?

Dana Yes, sir.

Pat When we're talking about the scope of all of our recommendations, are we including the carrying capacity study? Are we confirming that in a way? Is that correct?

Dana Yes, sir.

Pat Okay.

Dana Anything that has been brought up, discussed, public comments essentially from November of last year 2019 to today can be brought up for recommendation and voted upon by the committee.

Pat So, we might go through as a committee just a quick list. I don't know how that gets assembled in a timely fashion. Not that we have any

recommendations, but just sort of confirming okay, remember the carrying capacity study. We reviewed it. I've read it again today, but maybe not everybody has. Any comments there? No, let's move on.

We really need to go through an organized list because we don't want anything to slip through the cracks and not have an opportunity to address it later. Does that make sense?

Tammy

Yes, Patrick. That makes a lot of sense. I made a list based on our first two meetings as well as—I did not go back to the earliest comments, but I did log comments from February through July. One of the things that I could do during the break is to try to put them into better buckets because right now they're just kind of random notes, but I needed that to help me to put some structure around it.

So, I can spend the next 25 minutes working on that so that at least we have a good list of the topics and know that my list, if I missed something, committee members, please don't forget to add to my list, but I would be happy to work on that while we're waiting for further public comment.

Dana

We actually do have one in the queue.

Tammy                    Okay, let's do it.

Rob                      Thank you, Tammy. That sounds really helpful. I'm in the same boat. I'm still trying to kind of process what's going on, but I think that would be super helpful to guide our conversation for developing those formal recommendations without being able to look at them.

Moderator            We'll go to Booker Cox. Please go ahead.

Booker                 Thank you for your time. Number one, I want to thank the committee members for their selfless actions over the last several months and their time and their energy and their effort. It's really appreciated by all of us who live around Table Rock Lake.

I'm calling in favor of Serenity Shores' new dock. One more dock would effectively shut down, put that cove into a no-wake zone, so it shouldn't increase traffic, and there's already another resort dock that's within 300 feet of where this dock would be, and I've not heard any complaints over that dock. I've lived here for 52 years.

So, anyway, I'm in favor of it, and I hope you guys vote the same. Again, thank you for your time.

Dana                      Okay, so I have the time as 10:37. I'm hearing that the committee would like to wait until 11:00 to close the comments. We will hold on the line until there is somebody in the queue. Otherwise, there will be no discussion right now up until 11:00. Then, we will move forward with item number 5 at 11:00.

Tammy                    Agreed.

Pat                        I second that motion. So, to our committee members, a real helpful PowerPoint is available on line, but this goes back to November '19, the shoreline zoning dock and zoning facilities. The alternatives, that's well presented because that's what I was referring to going through every aspect and action and seeing there the preferred plan which I assume is where the Corps currently stands, it's a neutral change, and we're essentially confirming that if we don't have any specific recommendations.

So, that'd be a good place to start in addition to these one-off requests and such. Dana, do you think that's a good idea? I mean, there's a lot of things in there that obviously we didn't even talk about, but at least by going through that list, I think we'll avoid missing something.

Dana I would agree.

Pat Okay.

Dana Okay, committee members, we had a quick meeting just now to discuss, and I understand that there's maybe some confusion, and we wanted to provide a little bit of clarification. If there is an additional meeting that is needed for further discussion and to make recommendations, we can have our September meeting as a meeting to do that and then add on a fifth meeting for a final presentation, but I need to have that made as a recommendation from the committee so that we can move forward on that.

Tammy Okay, and with two of us, two committee members not being present, not that they're not participating, that might be good. Ryan, you want to weigh in?

Ryan

Yes, my opinion, the question is what we can and can't do at the fourth meeting. If the fourth meeting is only going to hear back from the Corps, then sadly I think we need a fifth meeting because what I'd like to do is I don't want to—I'd like to provide our recommendations in a written form in a very distinct way, not generalized. Just hey, we think this ought to be changed in this way if we have anything to recommend.

I think the tough part is either sit here today and we type them all out in a document, and we email them to Pat and Rob, and that would be the process, and since I didn't get a hotel for tonight even though I was advised to, that might be a long night, but that would be the two options.

Either we sit here because I don't want to—I want to have time, and my thought is if we have the next meeting, my hope would be that if we all agree as a committee, nothing new gets brought up. Nothing new.

I mean, if we don't talk about it today that we want a recommendation on this area and we wordsmith it next meeting, that would be my request to the committee is that we don't all of the sudden bring up—because we heard things today in public comment that we had never heard before. I

know we're not going to take public comments, but that would be my preference.

Pat Let me ask Dana, could we not have a committee working meeting where we sit down, and we go through this formal alternative document, and we go through all these specifically requests, and we do it as a committee, organized fashion? We tracks conclusions and submit that to the Corps? Wouldn't that be the way to do this?

Dana As a Federal Advisory Committee Act committee, there are rules and regulations, and part of that is it has to be public. It has to be transparent and available to be observed by the public whatever discussions that you may have.

Pat Yes, we could live stream it, no problem. I can set that up, in fact. Everything can be heard and seen, but we need to sit across a table and bounce these back and forth and get a consensus. Could that be the shape of a meeting, the next meeting?

Deanna This is Deanna, and I'm the legal representative for the Corps. FACA guidelines are very strict, and they dictate very clearly how we have to

have these meetings, so any meeting that you have, regardless of what you're doing, whether it's a working meeting where you guys are typing out recommendations or discussing recommendations or voting on recommendations has to be in the format we have right now.

If the public calls in, they just have to be able to hear what you're saying. They have to be able to know what you're doing, and if you produce any documents as a result of the meeting, those would then be put on the website right after the meeting.

So, you know, the Corps would need to host any meeting because this is a FACA committee that is tied to our agency.

Tammy We're not required to have public comment at every meeting.

Deanna No, you're not. I think, to be clear, what we as a staff discuss is that there would be no more public—regardless of what you decide to do about adding a meeting, there will be no more public comment. The public comment is done. Any additional meeting will be for the purpose of the committee to make recommendations and decisions.

Tammy

Any other thoughts from the committee members' perspective?

Rob

This is Rob Hunt. I have a couple thoughts. One, you know, Pat, I'm with you. I think it's easier to sit across the table and work together, but realistically, we may just need to figure out how to do this remotely regardless in case someone can't show up because I don't think we're out of the woods any time soon, and it's just getting us all in the same room at the same time is not going to get any easier, I don't think.

I think one issue I struggle with is the space between these meetings, so my question would be could we get a meeting in before the September meeting and still leave the September meeting as the final but try to do one in August. Is that held up by publication timeframes and stuff? I just hate to wait until September and then try to talk about all this again and then meet again in like November or whatever.

Dana

Okay, to address that question, any meeting that we do have, the notice has to be published in the Federal Register, and it has to be done 15 days prior, so we could if you guys decided to do another meeting here quickly, I just need to know when you would like to do that when you're all available. If you'd like to do that in August, I would really need to know

now to start getting that notice written and then published. It's a little bit of an ordeal to get it published because there's a lot of people that need to review and approve it. It actually goes to Washington, DC.

Rob Well, in that case then, would recommendations to you guys in some time mid-August, would that give you enough time to what you need to do before the September meeting, or is that not even realistic?

Dana I think that's realistic, but I just need to know probably today if that's what you'd like to do.

Pat Another helpful verification would be let's say we make three or four very specific recommendations, and then there's three of four things that we could recommend but maybe not fully fleshed out. What's that process look like from the Corps' standpoint? Do you need the full detail, or are you going to just take sort of the topic and our recommendation, and then kind of form the solution around that and then present that back to us?

Dana Okay, so to understand your question, Pat—

Pat I mean, is it a take it or leave it thing? I might have a recommendation that we create, a structure protection buffer, a new permitting process, and it may include a certain distance from a structure with a certain density of trees. Is that taken in its totality, take it or leave it, or does the Corps go back with that and say, "We can agree to that, but this is one thing we'd like to change." Is that what happens in meeting four?

Dana I think yes, and I think the more detailed recommendation you can give to the Corps, the better it would be for everybody.

Pat Okay.

Dana Rob, to go back to your question, I apologize, I was trying to have too many conversations at once. You were asking if we were to have a meeting in August to turn around and have another meeting in September if that would allow for enough time for us to get done what needs to be done.

To be very honest, that is a very aggressive schedule, and I think we would probably, if we had a meeting in August, we would need to allow



guidelines and say nothing new. So, we try to outline everything today, and we get as specific as we possibly can, but maybe we still have a few questions that any one of us want to dig on, that second meeting or follow-up meeting would not have to be for very long.

Ryan I agree, and I actually think the fifth meeting is the shortest. There's no public comment at the fifth meeting, and we don't really have a say after the fifth meeting. They're telling us whether they agreed with what we said or didn't, and then we leave. Our job is done. I'm not saying that in a bad way. I'm just saying that's the process is that. So, really, as long as it takes to say our two or ten recommendations, we did it or we didn't do it, go home.

Dana Yes, and we would provide, if we didn't accept the recommendations, the why.

Tammy So, if we had an additional meeting, both of the next two meetings could be very short.

Dana Potentially.

Tammy Potentially, and again just to reiterate, there would be no public comment after today. So, here's what I would recommend is committee members, let's see where we're at. Maybe use the next hour to go through our list because we are done with public comments right now, right? We're after 11:00.

Alright, let's go through and see where we're at, and maybe even then take our break for lunch, come back, and I know you need a decision before we leave today, but I still think let's see where we are at 1:30 or 2:00. If we're going to get done today, and we're all comfortable with what we've written, then we don't need that extra meeting, but if we're struggling—I just don't know where we're going to be—then we can decide to do that.

Dana, is that all right?

Dana That's good. You have until 5:00 today.

Tammy Yes, great.

Dana The meeting today is scheduled from 8:00 to 5:00, so yes, afterwards.

Tammy

Okay, so we don't have infinite time, but I don't think we have to make this decision right now, and if things flow and we seem to be able to figure out what to do next, great.

So, my—I think it's a top-ten list of topics, and they're in a variety of places, so I'm not going to try to say that number one we need something on each one of these things, but they've definitely been things that we've read about in the public comments or we've heard presentations about.

First one is carrying capacity of the lake. We've heard a presentation.

There are a number of public comments about that. There may be something that we need to say or recommend about that.

Solar power for the docks and the revision in that policy, and we've heard comments about pros and cons of all of that.

The commercial remote service dock program, and we heard more today, so there's probably another piece that needs some comment.

There were a number of public comments about new private boat slips and numbers of them in LDA areas, and I'm not sure where that kind of fits in, but I put it on my list.

There's issues with the no-wake buoys, and that may be something that came up last time as well.

One thing that hasn't come up, at least in our discussion, but I saw it three times in the comments was a size limit to vessels, and these people recommended less than 42 feet. Don't know much about that.

Vegetation permit guidelines and cedar trees are clearly on our list.

One of the things that a number of people have talked about, and we've even talked about is how we might make recommendations for better communication between the Corps and the public.

Since we last met, there were at least 15 public comments from different people that said no more boats, no more docks. I think that's related to the carrying capacity, but there was a lot of that.

Then, there were a few rezoning requests as well.

So, that was my top-ten list, but committee members, you know, you are all here listening and doing all of this, too. Which areas have you—what did I miss?

W All the things that I had on my list are included in your list. I think that covers it. I do think that we'll be able to quickly eliminate some of these from discussion just by hearing from Corps staff in just a minute.

Tammy Ryan, did you have anything else—oh, Twyla.

Twyla I know one time in the beginning we spoke about whatever we were going to propose that we would come up with a way to help fund it also or a suggestion, and that wasn't discussed anymore.

Tammy Thank you, Twyla. Ryan, anything?

Ryan I think that covers everything I had on my list. I have a question to make sure when we get into discussion with the Corps staff just to make sure it's covered under one of them

Tammy Absolutely. Rob, did I miss anything on your list?

Rob I don't think I have anything. I have a note about looking at the dock lengths into the cove. I think that might have been something Pat had spoken about. Is that ringing a bell for anyone?

Tammy Rob, we're not hearing you clearly. So, you're asking about docks in coves?

Rob Sorry, I turned off my ear bud. Maybe this will work better. Can you hear me better now?

Tammy Yes.

Rob Okay. I had a note that we wanted to look at including a variance to the one-third rule for dock length into a cove, especially with smaller docks and deeper coves. Is this familiar to anyone?

Tammy Yes, I do remember that.

Rob I have another note with that, Title 36, 327.30. Then, on the communication thing, a couple specific bullets I had included was looking at email communication with landowners and making public rules more easily accessible.

Tammy Good because those could fit under general communication but be some specific sorts of things. Thank you.

Rob Sure, sure. I think that's it for me.

Tammy Okay. Patrick, what's missing from our list so far? Is Patrick there?

Twyla If he doesn't answer right away, can we ask if Dana has anything we might have missed that wasn't addressed?

Tammy Corps staff, anything that you thought should have been on our list?

Pat I'm sorry. I was on mute. Can you guys hear me now?

Tammy Oh, great. We'd love to hear your comments.

Pat Lord have mercy, I'm sitting here talking. That is hilarious. Alright, can I give you my list? Can you hear me?

Tammy Yes.

Pat I'm sorry. I literally was talking into the phone, and it was like the breaks were such I thought everybody could hear it.

Okay, so I'm just going to go down this bullet point. We've talked about the one-third rule which we should address. That's the spacing of boat docks.

The next is producing docks in marina buffer. Under the recommended alternative, that would be eliminated, but we need to talk about the ramifications of that.

The next item is the fees associated with private slips.

The next point is requirements to register or document with the Corps the actual boat that is in the private slip.

The next item we can call, for lack of a better name, structure protection buffer.

The next item, again maybe not the right name, youth camp shoreline access permit.

Twyla I didn't hear him. What did he say?

Tammy Could you repeat that one?

Pat Youth camp shoreline access permit.

Tammy Okay, thank you.

Pat Let's see. Buoys have been mentioned. We should discuss that.

Serenity Shores, well it's one of those one-off recommendations that we're tasked to do that.

We have remote service dock on there already, correct?

Tammy

Yes.

Pat

Okay. That's it for me. Thank you.

Tammy

Awesome, okay. So, we have a list then. We just knock it out and see what happens here and see if we can get language that we're comfortable with and can agree on and then kind of go from there.

W

Can I ask a quick process question?

Tammy

Absolutely.

W

Is it possible to discuss kind of these more, what Pat called a one-off kind of thing? Can we go ahead and make those recommendations by vote today and remove that from our list of discussion for next time if we decide to go that way? Can we get done with that?

Tammy

Anything that we come to a consensus on today in terms of language of any particular recommendation, I say we vote and be done with it if we can. If there's still questions, and we want to sit on it for whatever reason, then we can choose to do that, but if there's some easy things that we

can—I don't know that I'll call anything easy, but absolutely I would be, as chair of the committee, I'm okay with voting on things and getting them off our list.

Twyla That's Serenity Shores, right? I mean that's only one thing.

W Pat mentioned youth camp structure shoreline access. I don't know if he was referring to the comment from today, but I'll let him discuss that if that's what we want to do, but I was just thinking if there's things that are just specific requests that we can say, yes we recommend this, then let's take that off our list. Let's do it and take it off our list.

Dana Yes, I would say that this separate request to review this separate permit, if the committee would like to make a recommendation and vote, yes.

W Okay, thank you.

Tammy Dana, I'm going to ask you another question. The specific language that we choose today, is that all—I know our recorder, and I know we're recording all of this, does that need to go into our official meeting minutes? So, that's where we're trying to get the language right, right?

Dana Yes.

Tammy Okay, so, Sheila, it's all up to you. Just wanted to verify that each one of these things need to go into the minutes. Alright, so is there a particular easy one that someone would like to make a recommendation on?

Pat Sure, I'll kick it off.

Tammy Okay, I'm going to give you one.

Pat I'd like to make a recommendation to the committee that we approve Serenity Shores' request for its hotel/motel 20-slip dock with the stipulation that one-half of the slips—not to exceed one-half of the slips to accommodate watercraft rental. That's the end of the motion. Can I have a second?

Ryan I can second it.

Tammy Okay, let's give Sheila a chance to write this down, and I'm going to ask her to read it back to all of us so that we're comfortable with language,

and Corps staff, if you could make sure we've written—or whatever words we need are appropriate.

Patrick, we're waiting for some Corps guidance. We'll get right on it.

Pat Oh, sure.

W Okay, I just wanted to make sure that the committee and public is clear about the language that is used. These are recommendations to the commander. So, in the instance of this particular permit, the Serenity Shores permit, the recommendation could be worded as, "The committee recommends that the commander approve." The committee itself does not have the authority to approve or deny a permit.

So, I didn't want anybody to walk away from this committee, either members or the public believing that this vote was approving a permit because that authority doesn't rest with the committee.

Tammy Thank you.

Pat Absolutely. That's good clarification.

W That's how maybe you might consider caveating all of your recommendations that you recommend approval or denial or whatever.

Tammy So, Sheila, do you want to read what you have written? We want to make sure we get this right.

Sheila So, Pat Cox made a motion to recommend approval for a resort lease permit at Serenity Shores, not to exceed one-half of the slips to be used for watercraft rental. The second was Ryan Benefield.

Tammy Okay, because I think the beginning needs to say, "Recommends to," I'm sorry, I can't remember the guy's name or the title.

W He's the commander of the Little Rock District, but his name is Colonel Eric Noe.

Tammy So, I think we need to say that we're recommending to the commander the approval of that recommendation. It needs to be prefaced with that.

Pat Yes, right. Then, perhaps say, “Further recommend, based on public comment, no more than 50% of the slips be utilized for watercraft rental.” That can be put into their lease.

Tammy Ryan is good with all the friendly amendments that we’ve made here.

Pat Keep in mind, the watercraft rental are just for bona fide overnight guests, so it’s not a public facility by any means.

Sheila The motion is to, “Recommend to the commander the approval of a resort lease permit at Serenity Shores not to exceed 50% of the slips to be used for watercraft rental.”

Tammy Corps, are we good with that? Okay. Ryan, we’re good with the second?

Ryan I am, but I do want to have a discussion.

Tammy Alright, so discussion.

Ryan Pat, is that a normal condition in a permit that limiting—I mean, is that something—and maybe this is a question for the Corps.

Pat No, it's not. I don't know if it even exists. For example, for 20 years we've operated a similar lease at the Chateau on the Lake. It's about 120 slips. We probably have 12, 15 rental boats depending on demand, but there's no limit. Of course, that's a situation where there's no other docks or people around us.

In this situation listening to the public, I hear their concern about the density in that cove, the traffic in that cove, and having some limit on the number of rental boats should mitigate that and still provide that service to the leaseholder. That's why I included that.

Ryan Interesting. I support it. I just want to make sure that we're not recommending something that's an automatic no because they don't do that. As a former regulator, I'll say that all of the sudden it's like, great. You recommended that we could put this 50% in, but we can't, so we don't want—because my opinion is I think they should get the permit, one, and then two we recommend that they put that restriction on, but if they can't put the restriction on, I would still be in favor of them getting the permit.

Pat I'm good with that.

Ryan That's my—I just don't want it to be that we're recommending they get the permit if they can restrict it. We want them to get the permit and then restrict it if possible.

Pat Correct.

W I would agree with that. I would say—

Pat It should be worded that way.

W —we make a new motion. We make two recommendations. That would be my—because I agree with you. I think they need to get the permit, and then if we can—because we don't know what that's going to look like from the Corps' perspective, and they say they can't do that, so we're going to deny it. Then, we defeated the intent of what we wanted to do I think.

Tammy Do you want to work on rewriting that so that we could vote on the two separate?

[Overlapping voices].

Pat Dana might want to comment. It is a real estate instrument, so I think they do have greater flexibility. I know our lease has a lot of caveats and such in it, so it probably could be done.

Dana There's a side huddle that's going on right now. Our real estate—well, former real estate person, and they're discussing. Then, we can work on the next steps.

Tammy Is there some Corps information that we should be hearing?

Becky Hi, Becky Short, and speaking as a former real estate specialist and knowing that I cannot speak for the current real estate contracting officer, a condition that limited the number of slips or the percentage of slips that could be used for any purpose would be a special condition. It's not a standard condition.

So, it would be up to the real estate contracting officer as to whether they felt like that was a restriction that would be in line with policies and

regulations as well as they had to take into consideration that that causes additional administrative effort to ensure that they're only using a certain number of slips for each purpose. It's not uncommon for us to add special conditions to a real estate instrument.

Pat That's very helpful. Thank you.

Tammy Yes. That is helpful. So, I think we have two options, as I understand it, with Robert's Rules is if the person that made the motion and seconded it are willing to have us rewrite it, or we could vote this one down and get new ones. So, what's your—

Pat I'll rescind my motion if you want to do that.

Tammy Okay, so we'll rescind that one.

Pat I'll make a new motion.

Tammy Make new motions, and I know Sheila is busy on writing those out. I'm sure all she has to do is kind of divide things up here now. Then, we'll

have her read those for us, and then we can go from there. Sheila, do you want to give it a shot?

Sheila Half of the original motion was that, “We would recommend to the commander the approval of a resort lease permit at Serenity Shores.” That’s the first half.

Pat I’ll make a motion that the committee recommends to the commander the approval of the resort lease at Serenity Shores.

Tammy Ryan seconds it. Do you want to vote on that one before we do the second part?

Pat Yes, let’s do it. Let’s just get that one—

Tammy Yes, one at a time then. Okay. Would you read that just one more time just so everybody knows that they’re voting on?

Sheila “We recommend to the commander the approval of a resort lease permit at Serenity Shores.”

- Tammy                    Okay, all those in favor of that recommendation, please say aye.
- All                        Aye.
- Tammy                    Opposed, same sign. Okay, the motion carries, or the recommendation carries. Do you want to read the second—
- Pat                        Do I have to make another motion?
- Tammy                    Then, we'll let Patrick tell us if you got it right.
- Sheila                    The second half of the motion was that, "We would recommend to the commander that the resort lease permit at Serenity Shores not exceed 50% of the slips to be used for watercraft rental."
- Pat                        I'll make a motion that we—
- Tammy                    Okay, and Ryan seconds it. Any further discussion on the second motion? Okay, all those in favor of the second recommendation, signify by saying aye.

All Aye.

Tammy Opposed, same sign. Alright, motion carried. Thank you. One done.

Is there another committee member who has a specific recommendation or wants to bring one up where we might work together on coming up with the appropriate working?

Ryan I have a question for the Corps, if I can. I wanted to see how we would fashion it. So, we heard about four cases where people wanted us to slightly shift a zone, take it from here, put it over there. Is this shoreline management plan the only mechanism for them to do that? Do they have any options other than us recommending that they can take 300 feet from here and put 300 feet over here?

W You are correct. This update to the shoreline management plan is the only time we can move zoning.

Tammy So, in the written comments, we need to go in and dig out every single incident where somebody is requesting that. Okay. We may have to do a little digging here. Okay. Ryan, thanks for asking that question.

Pat Well, since you brought up Kanekuk, could we—maybe Rod could give us some clarification on the impact of shifting this zone and whether it's deemed appropriate and so forth.

Dana There's another sidebar discussion going on regarding—okay. Rodney, do you want to answer that question? Pat, can you repeat your question?

Pat Sure. Without seeing a map and having more insight into this, because of the use pattern and such, they're requesting—and this is the opportunity to do it because if we don't do it, it's going to be set in stone—shifting their zone I guess down the shoreline. Can you add some clarification on the impacts of this? It doesn't affect boat docks, I don't believe, does it?

Tammy This is in particular with the Kanekuk camp request to move something 300 feet.

W What I would suggest is that we would go to the website and pull up the map and look at that specific zoning. There are several things to look at as far as how you impact other adjacent landowners' docks in the area, cove width, water depth. Rodney, if I'm forgetting some piece of that, but

there's a lot of different things to consider when you're looking at zoning on the shoreline. It's very helpful to be able to pull the map and look at that specific location.

Everyone can access that same map, and Trish is going to walk everybody through how to access it from the website so everybody can be looking at the same thing at the same time.

Pat Is this their property over across from Breezy Pointe? No, it's not.

Rob This is Rob Hunt on the phone. I'm not sure if this is like dodging responsibility or just pragmatism, but could we as a committee make a recommendation that the Corps review and make a decision on every shoreline realignment proposed in public comments during this period instead of us having to try to figure out? Like, I don't know how to make a shoreline designation appropriately.

Ryan I like it, Rob. My opinion is yes because I don't want to make a decision on one thing that someone didn't know was happening, and they come in and go now I've been harmed because we only heard from—so we would

need some sort of analysis to say what's the negative effect of doing it, any change.

Tammy Our only recommendation could be we think the Corps ought to look at it.

Rob Right because if we're worried that these won't get considered unless we consider them, I think that's incorrect. I think if we press them as a recommendation that the Corps needs to look at them at least, and consider them, I think we've done our duty without wading into water that we're not qualified to be in.

Ryan I'm not going to look at any of the Corps folks as I say this, but I think we need them to look at that before our next meeting because the reason I asked my question is if we don't change it now, you have to wait until the next shoreline management plan update. That's what we said. That's the choice is either now, or you wait.

I mean, I don't know. These ones we got presented to us, I don't know how legitimate they are. I don't know, but if we don't make a recommendation, they don't change until the next shoreline management plan at best.

Rob Well, I don't know that that's true. The Corps is not limited by what we recommend. They can do what they need to do with updating the draft document if there are changes that need to be made through the normal process. This is all just part of the public comment, right, including our recommendations—

Sheila It sounded like they said any change in LDA, and clarify this for me please, any change in LDA has to happen right now in the document. Is that correct?

Becky Yes, Sheila, that is correct. Any changes to LDA can only be done when we're updating a shoreline management plan, and that happens in this process that we've been going through since 2015, 2014, and so it's not something that we do on a regular basis especially when you're making major changes, which a change to shoreline zoning is a major change.

So, we would ask that, yes, the Corps of Engineers went through our initial processes of reviewing public comment and looked at all of these one-offs that came in during that time. So, some of these we've looked at

once, and some of them are probably new that haven't been looked at before.

We set criteria as a team as to how to review these, and so we can—if there is like other criteria that you think that we've missed, that might be something to discuss in the committee, but otherwise it might help you to look at one of these one-offs to kind of get a feel for what the discussion is.

Twyla Can we do that? So, she brings this up, can you tell us what you have done with them already and kind of where it's going?

Becky We can bring up, like the Kanekuk Camp one that was discussed today, and I don't remember off the top of my head if that's one of the specific sites we looked at before, but we can go through with you the process of what we would look at for that specific site.

Rob What I'm understanding here is that our committee's recommendation would then be more about the process of reviewing these sites, not recommending specific re-designations, right?

Becky

That would be entirely up to the committee to decide.

Rob

What does the committee think?

Sheila

I do agree with you on that, Rob, a little bit. I don't think we want to go back through the public comments and review every mention of I want you to move this to here, to there, whatever because I don't feel that I'm qualified to do that. Maybe a recommendation that they have all been reviewed, or to our satisfaction they've been reviewed, is appropriate.

Ryan

I'm comfortable with that if the committee is. My only fear is that if someone brought one up, remember they cannot get it fixed for five to six years, whenever the Corps starts this process again, and this process has been going on six years.

So, if let's say that this camp one, and once again, this could be the most legitimate change or the most whatever change, we don't know. We have to look at it, but if it is needing to be changed, and it makes sense for everybody, if we don't address it here, or the Corps doesn't address it here or at our next meeting, it will not change for at least five years, I'm guessing.

Twyla                    Isn't that one of the things that we talked about on our list is the communication, and providing there was an appeal thing that was in there, so maybe if that's built in as a recommendation so that they have ability to go through, and it's not just every ten years or whatever, streamlining that whole process.

Tammy                    That's another great recommendation. So, let's look at maybe this one case, or if you want to pick something different that you know of that's a request, why don't you go through the process with us so that we have some kind of an understanding of how that works.

Becky                    Okay, so our first screening criteria that we look at is there is a Little Rock District policy that states that after that policy was [audio drops].

Pat                        Hello? Can you guys hear me?

Rob                        I'm still on here, Pat. I wonder if they got cut off.

Pat                        Well, I guess—

Rob I quit hearing them when they were in the middle of their discussion.

You're going to get off and call back in you said.

Pat I got cut off before, and I just called back in, and it worked, so I think I'll do that again.

Rob Okay, I'll do the same.

Pat Alright, bye.

Moderator Mr. Cox, you're back on the conference. Right now, we are unable to hear the host line, but you are on the conference.

Pat Okay. Let me call one of them. Thanks.

Moderator You're welcome. Ladies and gentlemen, please continue to stand by. We are having technical difficulties. Please continue to hold.

Pat Are we back?

Tammy I hear somebody.

Pat                    Hi, guys. Can you hear us?

Tammy                I can hear Pat.

Pat                    Okay.

Rob                    I'm here, too. Rob's on as well.

Tammy                Rob's on, good. Can you hear us?

Pat                    We got cut off a while back.

Tammy                Okay. Hang on.

W                      Pat, what we were saying is we think it's time for lunch now that you're  
back.

[Speaker off mic].

Becky This is Becky Short. I'm sorry we've had some technical difficulties and dropped the line. We're doing some testing now to make sure that we can still be heard. Alright, we're getting the thumbs up that we can be heard.

I believe that everybody dropped off when we were talking about screening criteria for rezoning. Pat or Rob, can you confirm that that is where you dropped off?

Rob Yes, someone had just asked to look at a map and an example. I think Chairwoman Jahnke had asked to be shown an example on the map, and then someone from the Corps was getting ready to start explaining something, and then it cut out.

Becky Okay, so what I was explaining was that we only look at changing shoreline zoning during a shoreline management plan update. We do have some screening criteria that we look at at the very beginning, that being a Little Rock District policy that's in place. It started in January 2003 and said that we could only review requests that were submitted prior to 2003.

We added to that that we would look at requests that were submitted after 2003 if that request was contained within one ownership of private property adjacent to the Corps property.

As an example, if Mr. X owned a large parcel of property, and he has zoning in one location on that parcel, and it was a bad location for putting a boat dock, if he submitted a request to move it to another location adjacent to that same parcel of contiguous property, we would look at that new location that might be better suited for placement of a boat dock.

So, from that point, Trish is going to walk everybody through how to pull up a map, and then the screening criteria that we would use from that point.

Sheila

Becky, sorry Trish, how was that 2003 date determined? I'm just curious as to where that came from.

Becky

Other than it being a Little Rock District policy, it's not Table Rock Lake specific, so it was done at our Little Rock District level, so at that time, it would have been done by a PDT of Corps of Engineers employees from all the different regions within the Little Rock District.

Sheila                    So, if this Kanekuk request just came through this process just today, it would be denied because it wasn't submitted before 2003. Is that what I'm understanding, unless it is the one landowner situation?

Becky                    Correct.

Sheila                    Okay, so anything that was submitted through this process through the public comment section that wasn't submitted to you prior to 2003, you would not typically consider anyway because of that policy.

Becky                    Correct if it involves losing zoning or changing zoning.

Sheila                    Okay, thank you.

Trish                     So, those listening via telephone, you can go to the oversight committee website, and on the top right you'll see a picture of a map. You can click on that map, and it will open up a new webpage. That's our interactive map, how to use it.

Currently showing is the alternative 4A, the preferred neutral change shoreline zoning. You can click on the content tab at the top left, and we can see the other alternatives. The no action, which is the current plan, is alternative 3. We can compare those areas.

So, if we want to look at the Kids Across America, is that the one you want to look at? I believe, is it red area 460, is that correct? At the top right, you can do a search under 460 here, and we'll go to the alternative 4 zone ID. That will take us right to that area. The blue area is the resort lease area, and then the red line, of course, is LDA.

The request asks to shift 300 feet to the left. There's a measure tool at the top. You can click on that, and there's a line here you can do a distance, you can choose feet, and go from the end of that zoning, that right there, it would be almost 300 feet there, a little less.

The cove would come into play. You guys were asking about the criteria, is that correct? What was the question?

[Speaker off mic].

- Tammy I think we need to know criteria, too, although if you deny everything that was submitted after 2003, then there's no criteria, right?
- Rob My understanding is if it's the same property owner wanting to rezone part of their shoreline for another part of their shoreline, then they would consider it.
- Tammy So, you have criteria for that.
- Becky So, we could look at this assuming right now that that is all contained within one property, so at the back of the cove where it turns from yellow to green for that, we would assume that Kanekuk owns all of that adjacent property and even over into that densely-wooded area because if that densely-wooded area that's in the back of that cove would be probably within 200 feet of that zoning.
- So, if you move that zoning away, and that property was owned by Mr. A., he would be losing his assets to that zoning, and I believe that was part of the comment that they said if it's going to hurt a neighbor, they would be okay with splitting it and shifting part of it down, which is a scenario that I don't think that we have talked about before.

Let's just assume, for conversation's sake right now, that they own everything what we can see on the map, and there would be no other party that would be affected by this move. So, Trish and Rodney, walk them through what we would look at as the Corps' criteria to say this is a good spot for a boat dock, or this is a bad spot for a boat dock. I think we would want to start first at the master plan allocation for that location.

Trish

So, making it 300 feet less than the existing zoning is the green area we're seeing which is environmentally sensitive. No permits currently are allowed, so that would have to be low-density land classification for there to be a limited development area located there as it is to the east of the resort lease.

Becky

By changing from the current environmentally sensitive area to low density, you allow for permits to be placed in that area and the vegetation to be modified to allow for permits, and you change the percentage of how much of the lake is environmentally sensitive and how much is allowed for low density type modification.

Dana                    That's an element of the master plan, not the shoreline management plan, correct?

Becky                 Right, so in this case a change to the zoning would also require a change to the master plan land classification, so it would be two recommendations.

W                      What else would we look at there, Trish?

Trish                 We could look at the third of the cove, measure across 520 feet. So, the dock couldn't block more than a third of the cove.

Rodney                This would be moving it out into the main—out of the cove, though.

Trish                 Tight, so they would be limited to a third of wherever they place that new dock, then it would be—let's not do that. A third of that, the dock couldn't expand farther than that.

Ryan                 This is just a dumb question that I just don't know. What's the difference between calling it an LDA and actually having a dock? My understanding

based on the comments, they don't want a dock. They want to be able to access out and launch canoes.

So, if you look at it, you can kind of see that area to the right of their resort area is pretty filled in. That's not open water, at least in that picture. You get really quick over to what's been filled in. So, they obviously want some more area to the left that's open water, but not to put a dock is what I understood.

So, what's the restriction between what you can do in the red area versus the green if you're not talking about a true dock?

Trish

As far as the environmentally sensitive area, the green there'd be no permit activity, no shoreline use permits. Limits are developments are allowed in the environmentally sensitive areas whereas the low density, the yellow areas, you could have passive recreation-type activity.

Ryan

So, they couldn't put a path or clear it so they could launch canoes from the green area.

Trish

No launch ramp would go in that area.

Dana All launch ramps have to be within not only the low density lane classification but also the limited definitely shoreline zoning area.

Becky As Trish was showing, we would look at the screening criteria measuring the cove to make sure that a dock would fit into the area if we approved the zoning to be moved, and we would look at the depth of the cove, which I don't know if Trish could show in this, but you could kind of get an idea from looking at this photo with what the shoreline looks like as far as supporting a boat dock. We would send a ranger out to take a look at it and measure the water depth at that location.

Shelia Trish, what year is this imagery?

Trish I don't know the year. What we do know is the line of the environmentally sensitive and the limited development area, that's at the 915 elevation, that conservation pool, so the water is lower than normal in this photo.

Tammy In this scenario, if they wanted to put a launch area in for canoes, what would be their options?

Becky

Currently, the area that you're seeing that's kind of the light blue color is their current resort lease area. That is the area that we can currently entertain requests for those types of uses.

We could entertain a request for expansion where there is the red line and the yellow classification so back further into the cove we could entertain requests. Not saying that those requests would necessarily be approved because everything is site-specific, and our current report policy requires that resort leases comply with the shoreline management plan permits to the maximum extent possible.

Currently we don't have a shoreline use permit that we would grant to the public for a canoe launch-type facility, so it would be up to trying to figure out for a boat ramp, which is what we would have to consider it as a boat ramp-type facility, we would go back to the shoreline management rules on where boat ramps can be placed which is within the red line zoning and the low density, and it would have to be open to the general public.

They couldn't use it for just their resort guests only, and there couldn't be another boat launch within—it's slipping my mind, but it's either two or three shoreline miles. Three shoreline miles, and it would have to be

sponsored by, and the permit for it, the real estate instrument would have to be issued to another government entity like the city, county, or someone like that would have to request it.

Tammy I have a question. So, primarily because of the green area, I'm sorry I forgot what it's called, the environmental protected area, the green area, the answer would be no. Is that right?

Becky Assuming that—the answer to moving the zoning?

Tammy Yes.

Becky It would be that and not knowing what the adjacent ownership is that might affect the adjacent landowner.

Tammy Right, so we don't know landownership lines on this map, correct?

Becky Correct.

Tammy Okay. So, we have a couple of things. What if they came to you and said, here's our problem, here's what we'd like to do. What are some options

available to us? What kind of an answer would they get from the Corps?

I mean, clearly, they have a reason for asking this, so what would happen if they actually asked you?

Rodney

I'm not we would actually just tell them you need to do this, this, and this. We're more likely to them in order if you're wanting to do this, here's our requirements. You must have limited development area. It must be the proper master plan land classification. They may ask questions, "What if I do this?" We can say yes or no, but I'm not sure if they say, "What can we do?" I'm not sure we'll say, "If you do this, then you need to do this."

We're going to tell them what's required and any advice or any specifics they ask, we're going to try to give them the facts and the requirements.

Tammy

So, they do have options. Because of that big area there, they potentially have options. They just might not like their options.

Rodney

I would say they have no options, and I'm not saying they should have options. I'm just saying they have none because if they came in and tried to move it regardless of their ownership, you're going to say no because it doesn't meet the master plan. I mean, it's just simply you cannot move

300 feet to the west even if you're willing to give up all that over there on the east which I doubt they want.

Tammy Or, they could move their dock someplace else that made more sense for what they want to do, but moving that line is not going to happen.

Rodney Right now, their options are—what is that, Trish, probably like 500, 600 feet of lease area? So, they have room within their current lease area, so we let them they can do this or do that within they're existing—how much is that?

So, if they want to shift it, then the hurdles are it's environmentally sensitive, you would have to move the zoning, you would have to change the land classification. There's hurdles to moving it. There are options within the existing area.

Becky The committee is reviewing the master plan as well and is making recommendations on the master plan. This would be their first step in wanting to move a zone. If they came to us and said, "This is what we're wanting to do," well this is the first step. They would submit a request,

and then if it meets all of the screening criteria, we can approve it, and if it doesn't, then we can't, and you're back to square one.

Trish, can you remove the blue resort layer so they can kind of see the landscape there? I'm sure they're wanting to move it because the other location is either a gentler slope or is, in some way, just more conducive to the use that they're wanting to do.

Ryan                    If I recall, he said he thought it he was able to do it safer, that that would be a safer place for them to—and I'm not saying we should do it. I'm just trying to understand the process because from my perspective, and I'm not saying we should change it, but if we don't change it now, it doesn't change. Do you see what I'm saying? It really doesn't change. There is no option for him for five to ten years if it doesn't change under this process, not that it should.

Pat                      Becky, can you guys hear me?

Becky                    Yes.

Pat                               What do you think about the merit of this, what I call the youth camp shoreline access permit? It gives them like a 20-foot trail easement so they can reach the shoreline, and you could require that it's unimproved trail or something like that. Would that get it done?

Becky                           Possibly. That would be a non-conforming-type new permit or new real estate instrument.

Pat                               Yes. In some ways, though, it's more limiting which could be beneficial to the environment through there. It's seasonal shoreline access.

Becky                           Right, and if you do something like that, then you have to come up for the criteria of why you approved that because once you approve one, you have to have [background noise] the next request or deny the next request that comes in based on the criteria that you put together.

Pat                               I'm not trying to create a whole other permit and work. I don't know if there's an existing permit or something that could be applied. It seems like if that's all they need is access, then that would give them the full enchilada.

We all know people are making their own access anyway. At least they'll do it legitimately here. Anyway, it's something to think about. I had that on one of my bullet points that that was a viable solution.

Dana I'm going to guess that these are going to require lots of questions and thought. So, how do you feel about taking a lunch break so that maybe we have a chance to process just a little bit and figure out what that next step would be? Can we gather back together at 1:00? Is 45 minutes long enough?

Pat Absolutely.

Dana Okay, so to the public, to my committee members that are not here, we will reconvene at 1:00 sharp, and let's take a break for lunch.

[Break].

Dana Are we ready?

Tammy We are ready to rock and roll. Are Patrick and Rob on the phone?

Rob                      This is Rob. I'm here.

Tammy                  Rob's here.

Pat                      Pat's here.

Tammy                  Very good, thank you. Okay, we ended before lunch talking about changes to zoning, I guess. Did anyone an epiphany during the break that you might like to recommend? Ryan, did you get it figured out?

Becky                  This is Becky, and a question to the committee. My epiphany during the break was I have pulled up on my personal Corps computer here a sample of a rezoning evaluation form, and so if you guys would like, I can read through the remaining elimination factors. Now that you've kind of seen it on the screen, and you kind of have an idea of what that looks like when we're looking at on an aerial photo, I can just go through the list of the elimination factors.

Tammy                  That would be great as a start, yes.

Becky

Okay, and so these elimination factors are what we used for the shoreline management plan requests that came in prior to 2003 or was for a location that was contiguous, moving something within the contiguous property.

So, from that point, the elimination factors were, and mind you this is because we were only looking at the SMP, not changes to the master plan.

So, elimination factors. Is the proposed site located outside of a low density land classification? Is the proposed site located within a marina or park buffer? Would one-third of the cove be obstructed by this proposed dock at 915? Would the proposed dock be less than 100 feet from existing docks and boat ramps? Is the water depth less than 8 feet where all stalls will be located?

Does the applicant have legal access, and can they meet parking requirements? Is the proposed site located within the right-of-way of a current outgrant? Does the proposed location present any environmental, cultural, health, or safety concerns?

Then, it goes on to talk. Does the proposed site have flowage easement? What is the percentage of slope of the shoreline? Is the area subject to saltation or erosion? Is the area subject to high winds or currents? Would

a dock present a navigational hazard at the location? Then, number of slips of proposed docks.

Tammy

Ryan.

Ryan

I think we're not going to go far from trying to look at every one up on the screen and try to evaluate them all, however, I'm still of the opinion that because this process, and let's hope your future processes to update the shoreline management plan are a normal, quicker process.

I would, I guess, request that those that we've identified that the staff look at and tell us why in not considering the 2003 rule, meaning those that have been kicked out simply because of the 2003 rule, to me if that's the only reason it was kicked out, then I'd like to recommend the committee ask the Corps staff to take a look at those and make a recommendation to us in September.

That's just my idea. It's up to everyone else to decide, but like I said, not kicking things out simply because the 2003 policy. That may stay the Corps policy, but we may also recommend that it not be the policy. The way we can't—I'm not saying we need to change any of them, but I just

am sensitive to the fact that if there is a legitimate one that should be changed, now is the time to do it.

Sheila Yes, I agree with that. If property ownership changes, and people have come, bought property, and desire to make some kind of change but because it wasn't applied for before 2003, that's sort of arbitrary. I get you have to have something in place, but I would like to see us recommend that we revisit those people that have requested change and then not use that 2003 number.

I don't know how we formalize that or if we need to, but we can't do it. We, as a committee, can't simply review every request. We don't have the expertise or—I'm speaking for myself, but you're shaking your head, so Ryan agrees at least. They need to be looked at if they haven't been simply because they were not applied for before 2003. That doesn't seem right to me.

Tammy Clearly, there are criteria, so we could recommend that it be based on the criteria.

Sheila Absolutely.

Twyla

Could we recommend that we get rid of the 2003? I know the SMP gets approved or whatever, but things change over time, and if it's going to be another—how many years was it? That's nobody's fault. That just happens, but what about like what Sheila was saying? There's a new homeowner five years from now, and it may be better the suggestion they're doing?

So, if it's in the benefit of the lake and the Corps and the owners, that's a win-win situation, so why does it have to be if it wasn't here at this time, we're not going to talk about it again?

Ryan

From my point, I agree with you 100%. The only thing I don't—I think I'm prepared to support recommending not supporting the 2003 date. Our recommendation is that should not be a hard date in there that they should all be looked at. However, though, if that's all we do, and if we don't look at any of them, those folks don't have a chance for five to ten years to have it looked at.

My thought is I'm not even saying that I—I mean, I'm willing to go out on a limb and say hey, if the Corps comes in and says this is why we're not

going to do it, I'm comfortable with that. I just don't think they should be kicked out simply because it's prior to 2003.

Tammy

Alright, so maybe we should have a formal charge to the Corps from the committee related to this item. So, something to the effect of the committee requests the Corps to look at all permit requests or changes to permit requests made during the time period from the last SMP, I guess, but if there's a better time period there, and to review those and make recommendations to us based on the criteria that Becky just read, at our next meeting, so that we can make an informed recommendation past that.

Sheila

I'm not sure we want to leave the timeframe so broad because asking them to review permit requests from the last shoreline management plan, I don't even know if some of them were born. I don't know. That's a long time, and they may not even have the records honestly.

Tammy

Right, so the ones from this last year?

Sheila

Or even just since our committee has been in existence, I would be okay with just because that's our charge is to—I mean, I feel like the public has had opportunity to reach out to us and come to these meetings and say,

“Hey, we’re asking for this.” I would be fine with that, but I’m not set on anything. I’m just not sure we want to say since the last—

Tammy I like that. That’s a friendly amendment.

Becky A point of clarification from the Corps. Specify whether or not you want us to review all requests for permits or all requests for rezoning.

Sheila Zoning I think is what we’re after.

Tammy Rezoning, yes.

Rob Then, are we going to ask them to reconsider their whole policy on that, or we’re just asking them to please, consistent with their policy, review rezoning requests and make determinations?

Ryan My motion would be that they relook at the ones that we’ve received while we were doing this process and do not use the 2003 policy to kick them out. Take them past that policy meaning because right now it sounds like that that’s the threshold. If you get one in, no matter what it is up to 2004, that one’s denied, we’re not going to consider it. Everything else

stays the same, and like I said, I'm prepared at least to make a motion that we ask them to change the 2003 policy. It won't be a recommendation bigger than Table Rock. They can come back and say, "No, we want to keep the 2003 policy in place," but it's our job to make a recommendation.

So, yes, only reconsider those that we've gotten comments on because I agree. We can't control those that people have commented outside our process. It's what we have comments on, but consider them not considering the 2003 policy, so taken to the next steps. Then, like I said, we can consider making a recommendation regarding that policy as a separate recommendation.

Rob

So, we want to the Corps to be able to review rezoning requests that do not fit the descriptor of a rezoning request within my property line. We want to—like me to be able to say I want to rezone the lake and impact several property owners.

My understanding is if I request a rezoning within my property line that 2003 doesn't matter. That's just when they changed the type of request they look at, so they'd still consider it.

Ryan

I guess my thought on it is I'm not saying that we're going to recommend that they make the zoning change anywhere. I don't want to pre-assume that we're going to agree, but I would like them looked at. There are cases that affect other—I mean I could think of a scenario, and I don't know if this exists.

Let's say that, Rob, you and I own a piece of property next to each other. We're different property owners, but you're perfectly comfortable with the effect. I'm comfortable with it, and you're comfortable with the effect. I'm going to gain something, you're losing something, but we're both comfortable.

So, to me, that's the same as joint ownership if everyone involved is okay, but there may be other reasons to kick them out. I'm not saying that any of them are going to get adopted. I'm just saying that I think that should be looked at every time they update the shoreline management plan.

Pat

What about if you look at this matrix that guides us under the rezoning to add LDA, the alternative 5, two parts of it, one is add more LDA up to 20%. Let's say that's not part of our recommendation, but the second part is allow new rezoning requests and evaluating existing requests. In other

words, not adding more space, but being able to have some modification or moving adjacently here and there. That option or at least that process is still available in the new shoreline management plan.

So, we're not just saying no. We're not saying yes either, but there's still some way to make a case, not getting more room, but if you want to shift it, combine, again a modification-type wording is still available. We just recommend that to the colonel, and then that option is still available to staff and management.

Dana I need an additional point of clarification. When you say since the formation of the committee, are you saying when we were given the directive in 2016 or when the committee was officially formed which was October of 2019.

Ryan My opinion is it's comments received subject to our committee meaning the ones that when we put out the comments were written. Then when we received the verbal comments we probably had, I don't know, it was probably only about six or seven people who say, "I need 10 feet here," and each time we looked at them, and our only response is, "How do we evaluate that comment?" You could be 100% right. We don't know, and

no one has told us why—we kind of talked about the camp one and why that one wasn't, but on the other ones, we can't honestly go back to the person who make the comment and go, "We didn't accept your comment because of X, Y, Z." All we know is we don't know how to evaluate.

So, I'm saying those comments we've considered that they've given to us—

Dana Got you. So, October '19.

Ryan Okay, whatever that turns into. The people who did things before they came to us, I'm sorry. They could have come to us and made a comment, and we could have helped them.

Tammy I also think hearing from you and how you make your recommendations will help us to articulate an appropriate recommendation to the commander about any policy changes that we think might be appropriate. We might recommend nothing based on what we learned because, for whatever reason, or we might recommend something. I don't think we have enough information to know what to do here.

Pat I have a question.

Tammy Yes, Patrick.

Pat Maybe for Becky. So, if you look at the rezoning at LDA under that matrix, the alternative matrix that was put out in November, it addresses increasing LDA which we're not suggesting that's something we're focused on, but why would we have some process to where things could be shifted around.

If they made a good case, meet all the criteria, why would we end that anyway? Just say three or four years from now, you have a good situation or a viable shift. Under this scenario, it's just an automatic no because you missed that window of opportunity.

Sheila What are you looking at, Pat? Are you on a page of the shoreline management plan? Where is that matrix?

Pat If you go to our committee webpage, the oversight committee webpage, scroll down to November. It has shoreline zoning dock and facilities and vegetation modification and alternatives.

So, this basically outlines every aspect, and the preferred plan is essentially that staying the course with everything that the Corps is planning to do. It's in green. We can just march through this, and it really gives you a good outline of the changes.

You see no action is 3 which is the 1996 plan which is basically current situation. Then, the new plan is for alternative 4. Maybe they can put it up on the screen there.

W They're working on it.

Rob So, I'm looking at it right now. I wonder if we're kind of talking about it. Maybe I'm not understanding it, but Pat, you're talking about what if they just make a swap instead of adding LDA.

Pat Yes, not adding LDA but just being able to modify.

Rob That may be allowed because the title of that row is rezoning to add LDA. So, my read of that is that box says do not allow new rezoning requests to add LDA until existing zoning is full. So, I would read that to mean if you

wanted to do a zone swap or shift that you could as long as it wasn't adding net LDA.

Pat If you go to that next box over, in parentheses it says, "Allow new rezoning requests in evaluating existing requests."

Sheila Pat, what page are you on?

Pat What page?

Tammy Go back to the home page. I found it.

Pat Okay. Under November 2019.

Tammy Right above it. There you go. It's just a spreadsheet. There we go. I was so confused.

Pat I guess what I'm saying is we're not suggesting additional LDA, but some mechanism whereby LDA could be modified by a sole landowner who meets all the criteria, and at least it would be evaluated. It doesn't mean

it's going to be approved, it doesn't mean he has a better shot at it, but it's just not an automatic no because you've been timed out.

Then, everything that's in queue right now, these one-offs and everything, they can still be alive through the course of finishing all this up. They can make their case in the future, but they'll have some mechanism to do that.

That way we don't have to go through all these one-by-one and for us to make the determination. Let the Corps make the determination based on their existing criteria. They don't even get a day in court if we adopt a plan as is because the criteria won't even be applied. It's an automatic no.

Sheila

So, you're saying, just to clarify, Pat, you're saying that you would like to recommend they have some type of policy either in the shoreline management plan or just in practice that they evaluate LDA requests in between shoreline management plans, if you will, like they evaluate them as they come in kind of thing and not use the well, it's in the shoreline management plan, so you can't—

Pat

An existing LDA area could be modified under certain criteria, and we're talking about the shifting of it over a bit or creating a new area. Maybe

it's even a trade-off where you have 1,000 feet, and you want to go this way 100 feet. We're going to cut it off that end, shift everything down. You have less area but it's over here where your property is flatter, and it's a better slope, and it's a better position for something.

It's just hard to imagine—

Sheila Is that not what you do now, though, with existing property owners?

Pat They're not going to if this goes through.

Sheila You would not do it?

Pat No. It's that red line is the red line, and it's not moving ever.

Sheila Okay.

Rob Is that true? Can the Corps clarify on that? Under the preferred alternative on your alternative matrix, under the preferred alternative, would that be the case that no rezoning will occur period until all LDA is full?

Trish                    That's under the current draft.

Rob                     Under the current draft of the preferred alternative?

Trish                    Yes, so Title 36 tells us that we cannot change or update zoning allocations without a public update.

Pat                      Right. I think we need to find out if we're talking about an existing zoned area modifying it in some way. Is that allowed?

Sheila                  I think I'm confused again. So, let me just clarify this or try to clarify this. We've been talking about if someone owns a piece of property, and they want to shift LDA one direction or another, it sounded to me like we were saying that you entertained those requests at times. Obviously, not all, but you didn't approve them all the time, you couldn't whatever, but that could be done.

Becky                  We only do that during a shoreline management plan update. There's where it got hung up.

Sheila                    Okay, got you. I guess I was assuming we were doing that kind of as we were going along, but only now, only right now.

Pat                        But, prior to 2003—

Sheila                    We need to have that built in somewhere if it can be.

Ryan                      I think what I heard is the law says you can only do it at a shoreline management plan, and that's why I keep going back to these requests that we have. I we don't do them now, and I'm not saying we should, but this is their window. They have no other window until the next time it's open.

Now, we can change the policy so that next time—well, we can recommend that next time they open it up that policy doesn't exist. We can push it down the road by taking the policy out, but if any one of our people needs relief right now, and it's legit, we all agree, Corps, we would agree that they can't get it until the next shoreline management plan.

Sheila                    Right, okay.

Tammy                    Alright. So, that we might be able to move on, can you read the recommendation or the request for information, and that way we can vote on that and move on?

Sheila                   I'm not sure if this is exactly your words, but we would recommend to the Corps or the commander, however we need to state the recommendation that they review rezoning requests received since October 2019 not using the 2003 policy to evaluate or deny those requests. That needs a little wordsmithing, but I don't—

Tammy                   Okay, I don't think that needs to go to the commander. That's just going to Corps staff, right? Dana.

Dana                     If you're making a formal recommendation, that would be appropriate, but if you're requesting further information, not making a recommendation, it would be directed to Corps staff.

Ryan                     The one thing we're doing is we're asking the staff to present to us in September a look at the rezoning requests that have come in through public comment, that they look at them and not considering the 2003

policy, do any of them merit adjustment. I'm sorry, I'm changing the words all up on you.

Sheila Yes, I'm like this is going to be a four-page—

Ryan Yes, I'm just—to me, though, this doesn't have to be as formal because we haven't been this formal on our requests of the staff. They need to go back, find those requests we've received and evaluate them outside of the 2003 policy.

Then, I'm still saying that we reserve a potential request to the commander that future, the 2003 policy is not utilized to deny zoning requests at future shoreline management plans, but that's something we could do later.

Sheila Right, and that's exactly what I had tried to intend.

Tammy So, we probably don't need a formal motion because we're just requesting information. This is not a recommendation to the commander yet.

Sheila                      Okay. So, we are asking the staff to review rezoning requests received since October 2019, evaluate them not using the 2003 policy, and present those evaluations to us in September.

Tammy                      Yes.

Pat                            I have a quick question for staff.

Tammy                      Okay.

Pat                            The Title 36 roadblock, now is this regarding the percentage of LDA, or is it actually applicable to the red line itself. In other words, every single red line that's in place and changed, or is it just the allocation overall.

W                              The allocation overall.

Pat                            Right, so that's what I was saying. If you had a modification policy or ability, then we're not messing with allocation. We're not creating new allocation. It's just existing allocation that's on your property, and you qualify under all the criteria, you would at least look at the possibility of modifying it. That would capture a lot of what's in the queue right now.

Ryan Yes.

Pat But, if we go with just the recommendation, see what I mean?

Ryan I have Title 36 here. I won't read it all to you, but it talks about the shoreline allocations kept on a map at the office and so forth. Then, it says, "No changes will be made to these maps except through the formal update process." So, we can't change any allocation except during the formal update which is now.

Pat Alright, no changes in maps means no moving red lines. So, that's good.

That's what I was asking, so that's—

Rob So, then the question is are we trying to correct—do we want to recommend that they accept and consider rezoning requests all the time and change the map all the time, or do we need to feel comfortable letting them do it on this renewal cycle with the update to the management plan?

Maybe I'm just like totally not following. I still don't know what we would actually be asking them to do because it seems like they do what we're wanting them to do.

Pat                    You're saying exactly what I was saying previously. It'd be nice if they could, again not creating new areas, but at least even if it was just a quick examination or determination, be able to address some modification next year, the year after, the year after because if we just close the door completely, there might be something that has a lot of merit that could be beneficial to all the stakeholders that just cannot even come up for discussion because it's been shut out during this tight window of process.

Rob                    Okay, but this window is different than the 2003 number we've been talking about. I think that's why I'm getting confused. I think we're talking about two things.

One is if we want them to consider rezoning applications more frequently, which I think is what you're saying, Pat, like a year, two years, something, instead of five or ten years. Then, the other is since we're kind of hung up on this do not allow new (received after 2003) rezoning requests, and we're wondering should we get rid of that number 2003.

I think those are two different thoughts, though. I mean, I don't think the 2003 thing prevents what we're talking about which is rezoning without adding LDA, but what gets in the way of what we're talking about, like a person that wants to change the zoning on their part of the shoreline but doesn't get it in under this window, they have to wait five or ten years, that's a different request. That's a request to say we recommend that the Corps figure out how to address rezoning designation requests between shoreline management plan updates.

Twyla

Ryan, is that Chapter 36 or Article 36? I think in the very beginning when we first started here, when Kevin was here, they talked about something that something could be changed, or the commander could approve, but some things had to go—what is that called, the Act of Congress or something—to change it. Is that what—

Ryan

Yes, this is Title 36, part 327. This is nationwide, Corps-wide.

[Overlapping voices].

Twyla                    You could have variances is what I'm saying. So, that second thing or first, whoever was mentioning when we said could we get you to change it, that doesn't have to be during SMP review. You're saying because of that law, federal law—

Ryan                    Yes, we cannot change this.

[Overlapping voices].

Twyla                    We can't even recommend that because it's a non-issue?

Ryan                    It'd be very difficult to update Title 36. I mean, just because of something we want to do here at Table Rock Lake, it's for the entire Corps of Engineers.

Twyla                    But, do you think it's worthwhile to say that that's something that's come up here, and we have some concern with that, so could we—

Rob                      I do. It's public record. We're making a public record here, so I think if the committee wants to put that in there, we should, whether we think

Little Rock District can do it or not, it's still going to be on the record. So, I think it's worthwhile personally.

Tammy                    So, Rob, do you want to make a formal motion at this time, or is this one we keep on the list to write that up next time after we hear the evaluation?

Rob                        I, Rob, am personally pretty agnostic about this recommendation. If I was the Corps, I would not want to be drawing a map every three months if someone requests to move a 100-foot portion of shoreline, but if it's something the committee as a whole thinks is important to give people an opportunity between these five-year windows, then I think policy-wise it would be worth including in our recommendation, but I would rather someone else make that recommendation if they feel strongly about it.

Tammy                    Okay, I'm going to leave that on the list, and we're going to move on to see if we can tackle one other piece. So, does someone want to pick one that they are particularly concerned about?

Sheila                    Can we just go ahead and talk about vessel size limit, which was on your list, I believe?

Tammy

Yes.

Sheila

Can we just get that off of our list? Corps, I'm looking at you all. Can you tell me why we can get that off our list?

Ryan

I would say it would be more of a state law, like the state is the one who sets the nighttime speed limit or things like that, using your lights at night unless you're so close to the shore, fishing. I would say the only reason that the Corps could is that the district commander being the safety [background noise] puts certain restrictions on the lake, kite tubes years ago, things like that due to safety.

To be honest, I think it'd be a Missouri State Law if they're going to restrict size of boats.

W

So, there's currently on your lake within the region, there are no limits as to boat size.

Ryan

Not to my knowledge.

Pat No. If you look at all the future slips, outside o f marinas, they're going to be limited to 30 feet, so that's pretty much self-correcting. The marinas have some space left, but not that much, for large vessels. Just speaking to—

Ryan Sorry, Pat, go ahead.

Pat Just speaking of in the trends, there's not a lot of large vessels coming in or being sold, and there's not a lot of room for them left in commercial marinas, so I wouldn't think even if it became a hot product you'd see more than 15%, 20% more even capacity on the lake, slip sizes to handle it. So, pretty much a moot point in my mind.

Now, when it comes to speed and operational things, yes that's a concern that highway patrol is over, and there's a good mechanism for that.

Ryan We've had in place for several years a maximum slip size, and a private or community dock is 30 feet, so there's no new slips going in over 30 foot except for like the marina. The marinas have some to accommodate larger boats, but you won't see any more on private community docks.

Tammy                    Alright, does that ax that one off our list?

Pat                        Yes.

Tammy                    Very good. Which other one do you want to tackle?

Rob                        Did we need to make a recommendation about carrying capacity, or does everyone like the number that they have in the proposal alternatives, 30,806?

Sheila                    That's going to require some discussion on my part.

Tammy                    Yes, and then what would the recommendation look like if we make a recommendation either that gets looked at again, gets looked at in a different way. Sheila, why don't you—

Sheila                    So, my only—I guess my major point with the carrying capacity section is, maybe I'm again misunderstanding it a little bit. I don't think so, but I feel like when we get to that point where we have hit the—I'm looking for the number—

Pat It's 30,000-something.

Sheila Yes, 30,000-something, 30,806, if we get to that threshold, and I realize that may be many years, but we've cut ourselves off. We've effectively said we're done at that point. No more. Until we update the shoreline management plan again, which could be 20 years from that point, we don't know.

I feel like maybe we should add some type of provision that says when we hit 50%, 75%, 80%, I don't care what the number is particularly, but that we are doing something proactive prior to that time to make sure that that number is actually still good versus waiting until we get up to that number, and then boom, we're done. We're just done.

I'd just like to see some type of provision that says it will be reviewed at some percentage level because that's a hard-cap number.

Rob We can leave that percentage up the Corps maybe, couldn't we, if our recommendation was something like we recommend the Corps complete an additional carrying capacity study including public outreach when we reach the threshold of 50% or greater or the listed carrying capacity.

Sheila                    That's exactly what I'm talking about. I just don't want to wait, and it's not directed necessarily at the folks here at Table Rock, but they only get funding when they get funding for shoreline management plan, and so we could be sitting at that limit, and it's like we're at that limit forever and ever and ever.

We may have some different pattern usages. We may have things may—they could totally shift to the west. We don't know, but we're stuck at that number. We're stuck.

M                         The draft plan states, "The PDT suggests that when funding becomes available and not later than when the lake reaches its midpoint, approximately 26,000 access opportunities to the threshold that another carrying capacity study be completed."

Tammy                    So, maybe our recommendation is not just what, whoever said it, but that we recommend to the commander funding for this because that's all contingent on funding, right? So, is this the place that we put that stronger statement about funding in along with the overall recommendation?

Sheila Yes, or it's not an option. It's not suggest. It will be done.

Tammy Then, I think you have to say you have to fund it.

Sheila Well, yes, you're committing to this at that moment.

Rob I don't know how much of that is up to even the Corps. I think it's probably congressional the way that they determine how the budget is laid out.

[Overlapping voices].

Pat Being in the business, I'll give you my two cents. Can you guys hear me?

Tammy Go for it.

Pat I think in the scope of the committee this is one that we let lie because, first of all, it's a very valid study. If you look at the 10 acres, that's generally accepted. In fact, that's probably on the generous end compared to other lakes.

We have a lot of runway left and several opportunities already in place where it's going to be readdressed in the future. It's going to be 20 years before we would reach that at our growth rate.

There's also a self-correcting market mechanism that's happening. There are a number of slips on the lake that aren't being utilized, a lot of older boats, generational changes. Boating itself, while it's been strong this year, may look a lot different in 15 or 20 years, and I think it'd be difficult for us to recommend something better than what they have in place.

They have an excellent study. It's certainly not unfavorable to commercial entities or development now, and frankly, it's probably better than what I would have expected compared to some other lakes that I've operated on and am familiar with. So, that's my feedback on that.

Tammy

Ryan, did you have something?

Ryan

I thought if we—I'm open to either way, but if we thought it was important, I don't think it harms making the recommendation even if we don't have any control over it because if the Corps wants to do it, they

could use our recommendation as justification to seek the funding if we have it in there, but that's up to you all.

Just because the recommendation doesn't really mean anything doesn't mean we shouldn't do it.

Tammy So, were you able to get something written down in terms of a recommendation to the commander?

Sheila I did not write—no because I was busy talking.

Tammy That's all right. It's okay. Rob, do you want to try restating what you said?

Rob I'm kind of interested what Sheila thinks of what Pat said just like as an impression.

Sheila Well, I don't disagree with Pat very often, but we might disagree on this one. I feel like it has to be stated. I want people to understand—

Pat                    If we get to 30,000 we're going to be done, folks. That's a tremendous number.

Sheila                That well could be, but I think without any other input—

Pat                    Unless we want to be Lake of the Ozarks, I mean, that's what you're looking at if you want to get to that kind of density, and I think we'd be killing the golden goose if we got any higher. We have a lot of runway left. I think it'll be addressed in the future, guaranteed, so it's not really a concern of mine right now.

Rob                    I would say, to be fair, to push a study it could work either way. We could get to carrying capacity, or we could get to 20,000 access—

Pat                    Well, the thing is, there's no way to get there because unless they start building massive parking lots and boat ramps, if you look at what the capacity is left on the shoreline for boat docks, you know, there's not that much. Then, the marinas don't have that much to expand, so that's sort of going to be the capacity restraint before we even get to the 30,000. See what I mean?

Rob I do, and I don't know where the lake is at right now, but my point was going to be that a study at some point would be valuable because it could also enlighten the Corps if they need to lower that number as well as it could enlighten them if they need to raise it. If the public perception totally changes, and they say the lake is way too crowded now, and we want that number lowered—it could go either way is all I'm saying, so it's not necessarily a study equals a larger carrying capacity.

I think if the group thinks it's important that we could put in something—well, I don't know, I'll leave it open to discussion first, and then I think I can think of some wording.

Tammy Okay, Twyla.

Twyla Well, he said in there that it was funding for the capacity study, right, and we talk about shoreline management plan how many years go by before they are allowed to do another one. Maybe the funding should actually be to say that there's a timeframe for the shoreline management plan so they get the funding they need to do that on a more timely basis, and then the capacity study would be done.

Pat Well, let me add this. The new capacity study that we're talking about doing is just going to be higher—if you look at Beaver it's 15 acres, and we're at 10. So, it's not necessarily—if you're concerned about that gross number being too low, it's not going to be getting bigger because as more data is available, more sophisticated measuring techniques, it's only going to produce probably a lower overall capacity in the future, so I think we let this sleeping dog lie.

Sheila I'm just concerned about this is access opportunity, so it could be parking spaces, it could be ramps, it could be all kinds of types of access opportunities, and if the boating patterns change, and we have not updated the carrying capacity study since 2009, we don't have good data.

If we don't have good data, and all of the sudden we're at this 30,000 somehow, and we can't do anything else until a new plan is updated, I just feel like the public then has lost their ability to weigh in on any kind of—it just feels too restricted to me, but I will go with what the group wants to do.

Rob I mean, I say—well, I have some language, and then we can just vote on it or whatever you're wanting to do. I don't think we're asking the Corps to

do anything they already haven't described doing, but it would just be asking them to sort of prioritize it in their strategy to make sure it happens, and if we want to say something about funding we can.

I just wrote, "The committee recommends that the Corps prioritize the carrying capacity study when the lake reaches 50% of its capacity." That we'll need to fine tune based on what the Corps read to us what the actual statement is, so we'll want to reflect that language, I think, about what the trigger is for that new study, and then obviously the front half of that has to match our other ones our committee recommends to the commander whatever we want to say.

Tammy                      Okay, I'm going to have you repeat that so that Sheila can get it written down.

Rob                              You want me to repeat it you said?

Tammy                      Yes.

Rob                              "The committee recommends that the commander prioritize the carrying capacity study when the lake reaches 50% of its capacity."

What I was saying is we'll need to mirror the language the Corps just gave us about what the trigger for that study is because I don't think it's what I just said. It's something like that, but I think we want the language to be the same.

Pat

So, let me make sure I understand this correctly. Are we concerned that the current capacity stated, which is 30,000, are we concerned that's too low? You have to understand that encouraging a new study at 50% capacity is just going to lower that number at that point.

So, that would sort of be counterproductive because we have a lake just south of us with a 50% higher requirement than we have, so in the big picture, we have taken care of our visitors and our adjacent landowners. We have a very high capacity number right now, never going to get higher than it is right now.

The study is going to produce—

Rob

I mean, I can't predict—

- Pat Do you see what I mean?
- Rob I do, and to me it's clear that we don't have agreement across the board, and so the vote will sort it. I wonder if people are wanting more discussion on this, to punt it, or to vote on a recommendation.
- Tammy Right, so read the motion here, and that way we can focus on either altering that and/or getting a second, and moving on.
- Sheila "The committee would recommend that the commander prioritize funding for a carrying capacity study when the lake reaches 50% of its capacity."
- Tammy Okay. Is there a second, or are there any friendly amendments?
- Pat Let me just give one more shot at clarity. I'm currently building a marina in Oklahoma. Part of my requirement was to do a carrying capacity. It comes back at 16 acres per boat. We're at 10 acres per boat.
- Sheila Valid point.

Pat To do a new study, to sort of prioritize it or be supportive of that is, and we feel like Table Rock is going to be busier. It's more commercially active than Beaver, it has more visitors, so yes, maybe it warrants to have a higher density, but we're never going to get higher than we are now because 10 acres is a good number.

Sheila Well, you might be right, Pat. I hadn't really thought about that.

Pat Just giving you a perspective. Keep in mind, there's also another function in the equation, and that is of the 30,000 access points, then what's the allocation of them utilizing that. In other words, how many people are actually on the water and active and so forth?

We have a lot of access points parking spaces, old boat docks, this and that that are dormant and the market, there would be some restraints on that, there will be some market forces that will take place where people will then sort of replace docks, improve stuff.

There's a mechanism for that instead of just adding more, more, more, we can maybe see the quality go up, too, but that's 20 years from now.

Sheila Your threshold is—the 30,000 threshold is good.

Pat It is good. If you're pro visitor, pro activity, it is a good number. It's lower per acre than a lot of lakes.

Sheila The threshold doesn't make you nervous.

Pat No. Like I said, I had to prove out a scenario in Oklahoma, and it came back 50% higher meaning that we had to put in a smaller marina because of that. Had it been 10 acres, you know, as a commercial operator, that's the impact perhaps of restudying it because a new study most likely is going to produce a higher per acre per boat.

Not to say the 2009 study wasn't good. It was thorough. I was involved in it, and I'm not saying it's not accurate. It is, but to me, it's a good middle ground. It's a favorable position for all stakeholders, and there's a lot of room left that there's not even available shoreline or parking that would fill that up, in other words fill that opportunity if you look at the LDA and the size of the marina.

Tammy

So, if we don't have a second on this, I would recommend at this point that we leave it in the minutes. It's not passed, it's not seconded, and that way when we come back if somehow we feel strongly about it at the next meeting we can do something.

I want to take a two-minute, not a break, but just a logistics thing. It's 2:00. It's clear we're not going to get through this list today, so I think September we meet again, and we finish our list. At least we have a list. Okay? Then, we're going to have to have a meeting past that.

So, remind me, Dana, we have some training to do this afternoon so that as I structure further and see how much farther we can get versus making sure we have time for training, and we're not here until 8:00 tonight because I'm not interested in doing that. I don't think any of you are either. Help me frame this, please.

Dana

Okay, so you do have ethics training and hazack [ph] training that will be about an hour, hour and a half, give or take. That will be a closed part of the meeting because it is administrative. I'm sure the public does not want to sit through an hour and a half-plus ethics training and hazack training.

So, at that point, when you are ready to adjourn this portion of the committee meeting, we would then adjourn the public virtual meeting and move to the administrative meeting for training.

Tammy                    Okay, thank you. So, committee members, tell me when you want to start training. How much more time do we have for discussion, and we'll try and keep things moving and try and get through a couple more things, and what time—Ryan?

Ryan                     I'm okay. I'd rather get as much done. I know Dana doesn't want a sixth meeting, so I'm good. Don't worry about me on that regard.

Tammy                    Okay. Twyla.

Twyla                    [Speaker off mic].

Tammy                    Sheila, anything? Rob or Patrick, any time constraints here this afternoon?

Pat                        No, I'm good all day.

Rob I'm good. I was going to say it's not really a fair question because I'm answering from a recliner in my own house, so let's go until 8:00.

Pat Well, I'm in the pool. That's funny. You're on a recliner. No, I'm not. I'm joking.

Tammy Okay. Alright. Is there another topic that you want to spend some time on here now, or do you want me to just go down the list?

[Speaker off mic].

Tammy How about the solar power for docks?

Twyla Right now you don't allow any more electric, right? They have to have alternatives?

Rob New docks. New power to docks.

Twyla But, I thought that [indiscernible] made a good point that maybe there could be some accredited or certified recommended or approved by the

Corps so you're not getting like someone that he was speaking about that has no clue what he's getting into.

Ryan I'm anxious to hear your perspectives, but I actually thought it would be a good presentation showing that solar panels was a viable, cost-effective alternative for new docks. So, I honestly—I mean, I'm the least knowledgeable on that subject of anyone on this panel, but it seemed to me that that's one that we could leave alone.

Pat, I'm interested to hear your say.

Pat Yes, I mean solar's required now for new docks, and then under their suggested alternative, 2027 is when all docks need to go solar, private. That is correct, correct? Isn't that the number? I don't have it in front of me, the year that everything needs to be switched over.

Tammy They are looking it up.

Pat The only recommendation is since that's been a couple years since that 2027 was put down, let's just give it a solid ten years, so let's make it 2029, so after this is taken into practice. Then, that's easy to

communicate. New docks are going to continue to be solar, and all existing have ten years to switch over.

Rob Yes, you're right. That number on the preferred alternative is conversion must be complete by December 31, 2027 for all private docks.

Pat Yes, it's been probably two years since that was put in, so I think we need to just push it back to—

Becky This is Beck with the Corps. After the draft public meeting that we had, we had a lot of comments against requiring everyone to go to solar, and so the current draft plan that we have does not require everybody to convert to solar. It requires that all new docks placed on the water have solar power, but it does not give a sunset for the existing lines that are out.

Pat Oh, okay. That's new information. Are there any other categories under your suggested alternative—are the rest of them the same? Is that the only one that's sort of been modified since all the feedback?

Becky That's correct. We only made changes to the draft alternative.

Pat Okay.

Trish The current draft is on the oversight committee webpage under the November 2019 heading.

Pat Yes, it may have just been that PowerPoint that was outdated. No big deal.

Rob I have the November one [audio drops], and it has that 2027 number in it still, so is that not updated?

Pat No, it's not, but I think we can move on. We can just let that go. They've already addressed it based off all the feedback and made that determination. We can respect that and move on.

Tammy So, it sounds like we can move on from solar power for docks and that we're comfortable with that. The next one on my list is the commercial remote service dock program.

Pat As I said earlier, I don't want to be the advocate out of self-interest. I will say that the one negative on eliminating this is that folks that currently

may have that option, not that they would even qualify, and nobody's qualified for darn near ten years, but that'd be taken away, and it's not replaced with any other opportunity. It's actually shoreline just goes back to no zoning or basically a closed status.

So, just speaking about general land ownership and people that have an interest in having an option in the future, that would not be there. I personally don't have any remote service docks, don't have any planned, but that's my two cents.

Tammy

Becky, let me get a clarifying question. All current remote service docks approved places are grandfathered in. Is that right? Is that what your presentation from last time said?

Becky

Under what we have proposed in the current shoreline management plan, all existing remote service docks would be grandfathered in as they are where they are. Not all sites would be grandfathered in. There are currently approved sites that have not be utilized. So, there would be no new commercial remote service docks after the one-year sunset.

Tammy                    Okay, but the current ones that are in current use would be grandfathered in.

Becky                    The current docks.

Tammy                    The current docks, okay.

Ryan                     Those sites that you said aren't being utilized, are those under with ownership or real estate contract or just sites that someone could come to you and say they want to do?

Becky                    That's correct. They're not under any type of real estate grant. They're just sites that they could come to us and request use of.

Sheila                    I really hate to end this program because I do think that there's some misunderstanding about it. I think people don't realize that the land will not go back to LDA. It's not like—you'll sometimes get a comment that says, "The marina shouldn't be allowed to expand." Well, but it's not LDA there, so nobody's going to be allowed to expand there.

I know that there's some property in Kimberling City that could be served by this program that if it's taken away, there will never be any opportunity there. I go back to what Becky said about the comment, and there weren't any negative comments in the master plan process, and during the shoreline management plan process, there were five comments in the positive, and the focus group approved the recommendation of the commercial remote service dock program.

So, I really hate to go backwards on this. I know that they said they get a lot of comments out in the field, and I certainly understand and respect that, but I just think people are misunderstanding what their opportunities are with this program. If you take it away, then they all of the sudden figure out that there's never going to be a dock there, and I think the comments would change slightly if they understood that.

Tammy

Other comments from committee members?

Pat

As related to this, the ability for resorts at least to be converted to a remote service that has some real benefits in the future. I don't know of anything that's currently been discussed, but that's part of this. I don't know if that could be carved out.

We know that this is a one-off, that this is a Table Rock creation unique in the country and probably gets a lot of attention as sort of a red-headed stepchild at the higher-up level, and they still may decide to eliminate it. That's the way they're leaning, so keep in mind, it's not going to matter what we recommend. It's the division level that's decided that we're trying to have a one-off in the entire country.

All the mistakes with it, all the docks in backyards, that's a thing of the past. The new requirements are so tightly drawn up that even if the plan was to continue, that would not happen. It'd have to be a scenario where somebody bought up a series of homes and repurposed it, and then wanted to have a remote service dock to serve a resort or something in the future. That might be the scenario.

I don't want to suggest anything either way because I feel like I have a conflict of interest, so that's the last thing I'd say.

Tammy

Okay, anyone else with an opinion on the remote service dock program or questions or comments?

Shelia I would like to see us make a recommendation. I would be happy to make a motion. If it doesn't pass, that's okay.

Tammy Go for it.

Sheila I would make a motion that we recommend to the commander that they not discontinue the commercial remote service dock program.

Ryan I'll second it.

Tammy Okay. Once you get it written down, I'm going to have you read it again, and then we'll do a discussion, further discussion on that.

Sheila "We recommend to the commander that the commercial remote service dock program not be discontinued."

Tammy We have a second.

Sheila I might use the word eliminated. That's what they use in—

Tammy Okay, eliminated. Alright, and we have a second. So, further discussion.

Ryan I know this isn't a great reason, but I've heard all the pros. I've not really heard why they're bad. That's why I'm comfortable making a recommendation because I really haven't heard anyone present to us on why they should be eliminated other than the fact that they are this unique thing to this lake, but that could be an argument to expand it, not eliminate it.

Rob Some of the comments we got related to—I think Pat kind of talked about how hard this is to do now, but neighborhoods that say they get a lot of pass-through traffic to get to these docks where they're not set up to handle that sort of marina traffic.

Pat Exactly.

Tammy Yes, in the written comments that we got, for those that mentioned a remote service dock program, they were all in favor of it. There were a number, as I noted earlier, that said no more docks, no more boats, but they typically didn't specifically say no remote service dock program.

So, I don't know how to read that into the comments, or if there was any relevance at all. I'm coming at it, too, that I don't know that I see all the downsides.

Pat I would say most of the downside irritation's problems were based on how it was structured in the past, and the local office has done a great job of redrafting it, creating a scenario where it doesn't put a boat dock in someone else's backyard, and they're parking next door, and commercial traffic is coming in and out. It's so restrictive now.

As I said, no one's put one in in ten years. It would just be a special situation. Frankly, it's kind of nice to have something like that even if it's never used because you never know what scenario you might be needing it for. That's all.

Tammy Alright, so we have a motion on the floor with a second. All those in favor of the motion say aye.

All Aye.

Tammy Opposed, same sign. Alright, the motion carries. Thank you.

Patrick Can you make a note that Pat Cox abstained from the vote, please?

Tammy Yes, we can do that. Okay, the next one on my list is the no-wake buoys issue. I don't remember where that's at. I'll see if I can dig that up, but you might start looking at your notes for that.

Pat Rod, this might be a good time to refresh our memories. You're not in the buoy business, you never have been. Is that right?

Rodney Technically yes. The Missouri State Highway Patrol, Water Patrol Division is the one that issues the buoy permits.

Pat We believe them to continue that?

Sheila I don't remember exactly what the issue was here.

Pat This is where you draw the line between the management of sort of the resource, the real estate, that part of operations which the Corps does, and then the water activities, water safety, the buoy falls under that categories. That's where the water patrol or highway patrol now regulates that.

To my knowledge it's worked well. I don't know if they had plans to discontinue it. Maybe that's impetus behind trying to ask the Corps to get involved in the buoy management, but that's not something I would recommend we burden the Corps with if it's being taken care of now. That's for sure.

Tammy I think the issue was private boat dock owners wanted to put up the no-wake buoys which is not part of what the Corps has control over. So, much as we might be in favor of that, it's not really within the purview of the Corps anyway.

Sheila Can they apply with you all and to the highway patrol to install a no-wake buoy? How does that work?

Rodney Yes, they apply through the water patrol. It used to be a monthly buoy hearing, but they have an application to apply.

Rob Is that one of the—

[Overlapping voices].

Tammy Rob, go ahead.

Rob I was going to ask, is that one of the preferred alternatives that's been changed since this matrix would have gone out?

Rodney Yes.

Rob Okay, that's what the issue was then because the preferred alternative as written in the PDF I'm looking at now says no-wake or mooring buoys allowed, period, but if they took that out, then it should address the concerns.

Tammy Okay, so that takes that off of our list. Let's go to the next fun one, vegetation permit guidelines and cedar tress.

Ryan I have a recommendation, surprise, surprise.

Tammy Go for it.

Ryan First, I do need to tell everybody that I am allergic to cedar, no joke, but this has nothing to do with my recommendation. My recommendation is that we recommend that the commander modifies the vegetative modification section to include provisions for a waiver of the requirement on a case-by-case basis. The commander should include the provision that may qualify the permittee for a waiver.

Sheila I didn't write all that down, but I will.

Tammy Alright, as we're getting that written down, is there a second for that recommendation?

W I'll second.

Tammy Okay.

Rob Second.

Tammy We have a second for the recommendation. Are there comments, and as soon as she gets it written down, we'll read it one more time.

Twyla Does this one help with the ones that we had in the public comments that apparently have been some condo unit or whatever that they're worried about fire hazard and view and whatever else, the trees falling into their condos? Is that what this would address for them?

Tammy Potentially it could.

Ryan I mean, from my perspective, and I just argue from my own motion is it gives the Corps all the power to make the decision still. It is a waiver process, so a waiver process in my world is extraordinary, so it is case-by-case and a waiver.

Normal permits would go like normal meaning you can't cut the trees. You have to do it exactly the way it is, but this would give an alternative for someone to apply for cause to get exception to those rules, whether it's the home that the trees are too close to the condo causing a potential fire issue.

With a waiver, what my anticipation is, and I didn't put all this in the motion because it would have been too long is that the Corps could easily put in requirements that hey, if you're going to get a waiver, you're going

to have a comprehensive, vegetative maintenance plan. This should give an avenue, and I'm not even saying how hard or easy that avenue is, but it is an avenue that somebody who has an issue in a site-specific case could get some relief from the Corps.

Rob

This is Rob. I think just not related to this measure necessarily moving forward or not, but a thought I was having after our last meeting, I think there was some discussion from the Corps about just sort of manpower that was required to go out and do those individual waivers, have foresters visiting with landowners, and I was curious if the Corps has explored partnership with the Department of Conservation to allow MDC [ph] private land managers to come and do assessments or vegetation management plans on those Corps easements and use that as an accessible—like, Ryan, in your alternative they would say, “You can get a waiver, but we have to come do a vegetation management plan with you, or if you get MDC to write one up, we’ll accept it.”

That way that eliminates that sort of constraint that if the Corps doesn't think they have the personnel to actually go out and do that, and there's still a way to make it work. I don't know that we need to formulate that

into a recommendation. Maybe, but maybe we can at least have it in the notes or in the record of this conversation.

Tammy Thoughts?

Sheila When we're talking about the vegetation modification permit or application, whatever you're referring to here, are we talking about specifically cedar trees? Is that what you're envisioning or just the entire vegetation?

Ryan I'm talking about more than cedar trees.

Sheila Okay.

Tammy So, Rob, and you don't have to do it now, but my question to you is are you thinking like a second recommendation to the commander to look at partnerships that could help with the waiver process or the whole permitting process?

Rob I do. I'll start working on some language, and then we'll see how this vote goes for Ryan's recommendation. Then, we can add another one maybe that would be kind of related to that one.

Tammy Okay. Sheila, would you read the current recommendation?

Sheila "We recommend that the commander modify the vegetation modification permit to include provisions for waiver of the requirement on a case-by-case basis. The commander should include the provisions that may qualify the permittee for the waiver."

Tammy Okay, and this was seconded. Any further discussion?

Pat I have a discussion point, and I was more focused on structure protection and the safety issues that were brought up, communicated in great detail. I was more focused on establishing a distance from the structure, not maybe necessarily distance onto the Corps of Engineers' land, just to have the stability to have a protected buffer and establish a thinning process that could be done to aid in that. I was primarily thinking cedar trees, but then also totally at the landowner's, property owner's their expense to present their proposal.

I don't know if we want to open this up to something that's not adjacent to a property because then you have folks redesigning their entire backyards and creating their version of nature, which as we know, can vary greatly.

I'd like to be focused on the safety and protective nature of the structures and potential risk there. I don't know how that takes form. I don't know how gets adopted here, but that was my thinking initially. That's all.

Thanks.

Ryan

My response would be that I agree with you 100%. I didn't want to restrict it so much though that we create the same problem that I see with the language as it sits now. So, I could definitely see the Corps coming back and saying, "Hey, in order to qualify for a waiver, you have to demonstrate that you have a danger to—."

You know, that's why I put in that second one those things—it's not open to just recreate nature as you talked about, but there is a process for things, structure safety. They could line out those things that would qualify you to seek a waiver as opposed to carte blanche to seek a waiver because of a whim.

I don't know how to dictate that because I would miss something if I tried to do it, and the experts are the folks who are going to be hopefully responding to those recommendations.

Tammy Okay. Thank you. Alright. So, are we ready to vote? Becky.

Becky Sorry. If it would be pleasing to the committee, we would like to give you guys some more background on vegetation permits and the process that I think would maybe open up some more discussion before you vote.

As it currently stands and, Trish and Rodney, if you guys would chime in here, currently how many vegetation permits do we have active on Table Rock Lake, and how many inspections do we do annually?

Rodney Trish can check this, but I think we're close to 2,000 vegetation management permits, but I can look it over.

Becky Do you have a feel of how many inspections we do annually? Trish is going—while Trish is looking up that, Rodney, how many rangers do you have that are dedicated to doing this type of permit?

Rodney Well, as far as the field goes, we have four rangers that have the lake broken up into four sections, but they can do vegetation permits, they do dock permits which is around 2,000 dock permits. They do any timber trespass violations, any encroachments that are reported. They work everything in that area of the lake.

Trish There's around 300 to 600 vegetation renewals every year, and there's 3,400 active permits.

Becky Okay, so 3,400 active permits, and each year we do somewhere between 300 and 600 renewals. They're on a five-year cycle, so some years there more, and some years there's less. So, basically you have four rangers that are doing all of those, plus they're taking care of all of the boat docks that are on the lake, plus they're handling any encroachments or trespasses that happen on the lake.

So, they're spread out very thin as it is, and we've tried very hard to streamline our vegetation management processes. We get a lot of requests for waivers all the time, but those processes are very time consuming, and we're always trying to streamline it because the people who are wanting just a normal, everyday permit want to get those issued quickly. As it stands now because of the workload and the manpower that we have, what is the current wait time when you request a permit?

Rodney I think we have between 100 to 200 right now just to do, so it could be 30, 60 days just depending on what's going on that time of year.

Ryan Becky, what is the cost for a permit?

Becky It's \$10 for the five-year permit, and that funding does not come back to the Corps of Engineers. It goes to the US Treasury, so we fund this program on appropriations, and we get a certain amount funded, and it doesn't necessarily go up as our workload goes up, so we have to find a way to streamline.

So, when you're making the recommendation, and when you're voting and discussing, be thinking about if you add requirements that's going to be

labor intensive like looking at specific waivers and making specific conditions for specific waivers how do we go about making sure that we can also take care of our normal, everyday work? Are there things that we're doing that we can cut out, or do we say we'll do this if we get additional appropriations to do these types of things or anything like that?

Then the other thing that I would request is that you talk about including provisions on what qualifies for a waiver. Give us some ideas of what you guys think those provisions should be that would qualify somebody for a waiver.

Ryan

Sure, and I can definitely—there's two things there. So, one way, are you allowed to put requirements for them to hire someone who has some license or certification to certify that it was done in accordance with their waiver and their permit? That's how we would handle it in my—

We would say it's something that—I wanted to leave it open so you all could help craft it because if we give you something that's too one-size, it always scares me, but if you had to say—and I don't know how Missouri does it, but a Missouri-registered forester has to sign off on your plan and ensure that it was done correctly.

So, then what you're doing is you're taking the inspection off the staff and putting it more on someone else. As a matter of fact, that might be even better for you because it sounds like right now, gosh, you could probably just risk it and do what you wanted. I hate to say it that way, but that little inspection, now you're just rolling the dice on if you're going to catch me.

So, this would be a place where that could happen, but the other things you could do, and we saw this in the presentations, is you could require that the local fire department deem it a safety hazard as part of the waiver. You could require that it be done with a plan with a registered forester who then certifies at the back end that it's done.

You could push the requirements off to the applicants, and that's what I've said all along. I don't, at this point—they build the case that it's a big need, so the cost isn't as big a factor if it's that big a need. If they have to go and do a little extra work because of cost, that's fine because the opposite is they're worried their building is going to burn down.

Becky

So, that is one of the things that our PDT discussed, and we do have the option to make a requirement to do a registered forester or landscape

appraiser, whatever that title might be, but one of the things that were concerned about is right now when our rangers go out and do the re-inspections on these, they know that everything should look the same, so it's easy to bust through re-inspections because you don't have to go back and check the file and see specifically what this person was approved for. You know that everybody should look reasonably the same, so you can do many inspections in a short amount of time.

If we have specialties out there, then that requires that every time you inspect it to go and pull the file and look at specifically what was approved at that location. So, that's just something to think about. It's not an insurmountable thing; I just wanted you to have the full idea of what's been discussed.

Anything else that I'm missing that we discussed about that? Okay, so the 3,400 permits is total including expired permits, and there's 2,000 active permits, just to clarify what Trish has said there, so I misspoke.

Sheila

For me, I don't see this is somebody—I don't see someone getting a waiver that just wants to make their backyard look a little bit better. This is not an aesthetic thing, to me anyway. Those folks at the Towers, when

they came and presented to us, and they had pictures of what the back of their condos look like, I mean, to me it's like something has to be permitted there. Something needs to be allowed there, so that doesn't look like a fire hazard.

So, that's what I'm—I mean I'm going to vote for this if we get to that point because those are the kinds of things that I would say okay, that needs to be done differently.

Becky

Another clarification if you're specifically talking about where the Towers are and, Trish, correct me if I'm wrong, but I believe the reason why they can't have a vegetation permit is because they're located in an environmentally sensitive area.

So, your recommendation would need to include that we either change the land classification for that specific site, we change our criteria for what we consider environmentally sensitive, or we change what is allowed in environmentally sensitive areas.

Sheila

I think you have to change something. I mean, environmentally sensitive is important, but fire hazard outweighs that, in my opinion.

Ryan

In the way I view the recommendation is we're saying that they can get a waiver from the requirements of that section, and one of the requirements of that section is you cannot get a permit in an environmentally sensitive area.

So, just like—I mean, it would go. Listen, I would consider it a high bar.

No one is considering this that we're wanting to put a low-bar waiver in place, and that's why I would encourage you all if you accept the recommendation to take that second part of it where you put the provisions in.

So, you could say, "Hey, these are the three instances that we see that we think might need a waiver. If you can't check the box on one of these three—," it's just like the waivers you're getting now. What do you do? You just send them back going, "You can't get a waiver." You'd do the same thing then, but those cases where you truly can, I don't want the rule to ever stop common sense.

So, if there's a way that common sense should play into this because I don't want it to be, "Hey, the rule says we can't do it in an

environmentally sensitive, so we're going to have to allow that what might be a fire hazard or might not be a fire hazard because the rule says we can't address it." That's what I'm trying to prevent with the waiver.

Deanna

Can I just add a little bit into your discussion from the legal perspective? That is that any waiver or condition that we try to make, or if you guys are recommending that we consider a waiver, or even if you give us some guidelines that you want us to consider for a waiver, what you're talking about right now is incredibly subjective. It really is.

So, that poses some legal hurdles in the sense that we can't legally sustain objective decisions very easily because what we do for person A has to match what we do for person B. So, in thinking about whether or not you're going to recommend a waiver, keep in mind that this is subjective, and that's why we have the rules that we do that it's yes or no.

It takes out that human, in some cases, that human desire to say, "Well, we really feel bad for person A because they have an overgrowth of trees 30 feet from their property." Then, person B has the same problem but maybe not all of the same factors. Does that make sense to the committee

that we have to hold ourselves to the standard of objectivity and repetition?

Pat                    Alright. Can I give you my objectivity?

Tammy                Please.

Pat                    So, 30 feet from existing structures with existing living quarters, so not the property line, the structure. So, you're set back 20 feet from the Corps, you're only talking about 10 feet on Corps land, not to exceed 50% of trees and ground cover under 10 diameter, and on a linear basis that 50% is measured every 10 feet meaning you can't allocate your 50% on one end of your property, and now we can see your house.

This is a selective thinning strictly for safety and protection of the structure, its occupants. It's highly pinpointed. Hopefully, you could click on Google, and in 30 seconds, you'd know who qualifies, and eliminate 95% of the people that just want a better view. It gets to the heart of the matter, the highest priority.

That's my take on it. It sounds to me like the more specific we are, the better opportunity or chance that something could be implemented.

Sheila

The differences are if you have a fire chief in your jurisdiction that's willing to sign off on this is a health hazard, and this gentleman who spoke about the flammability of cedar, it's like okay, if a fire chief is going to sign off that this is a health hazard, why would we not consider some kind of waiver for these folks? That just doesn't even make any sense to me.

Now, if the guy over here just wants to thin out some trees, that's a totally different issue. That's clearly not the same thing. It seems like you could put some pretty common sense guidelines in place that would prevent, like Pat said, 95% of the people from ever qualifying or even remotely qualifying. You don't even tell them that there's a waiver process because they clearly don't qualify, but for those folks that need it, I mean, I can't imagine why we wouldn't do it.

Ryan

You can make a waiver less subjective. You can't make any permit totally objective, but you can make it less subjective by saying, "Hey, the fire chief has to certify this, and you have to hire this type of person to certify that the plan they did was appropriate."

So, you can have those things in there, and then you're trusting that the fire chief is going to do right, and you're trusting that the certified forester is going to do right. That's how almost all regulations I know are based is I say as an engineer I'm certifying it's right, and if I'm in line then there's provisions for handling that. So, I think you can put provisions in that make it less subjective.

Rob

This is Rob. I'm onboard with what everyone's said so far. If we're trying to be too prescriptive of [indiscernible] here because it seems like there's resistance to different suggestions we've brought up, I wonder if it'd be more appropriate to include a recommendation that just addresses the apparent inflexibility of current vegetation management policy that if there are instances, and we can even cite this particular instance as an example, if there are instances where there seems to be an objectively-defined fire hazard at a property, and the Corps is not able to address it because of the rigidity of their policy, then there has to be new flexibility developed in that policy.

Maybe it won't fix it right away, I don't know, but I think that would be a clear statement. I don't know what you guys think.

Pat I agree. That's well stated.

Tammy So, do you want to vote on the current motion in front of us, or do you want to revise the current one in some way, shape, or form?

Rob Here's another way to think about it, I guess. This kind of goes back to what Pat was saying earlier today about how specific we need to be with our recommendations, or maybe Ryan had brought this up. I can't remember, I'm sorry, but how specific we need to be exactly with our recommendations.

If we're thinking about it in terms of what we want to see in the final meeting when the Corps comes back and says, "Here's the ones we implemented, here's the ones we didn't." We kind of got a taste of it just now, but if we say we recommend that they commander implement a waiver process, blah, blah, blah, then it's very easy for the Corps to say, "We can't do that because we can't be objective in that, or we don't have enough people."

If we put in a recommendation that they need to develop some sort of flexibility in the policy to address health and safety issues related to vegetation management, then they will be kind of put in the position of having to stand there and defend, if they decide not to adopt that, why they are not even willing to adopt a recommendation to be flexible about health and safety in vegetation management. Does that make sense?

Tammy

Yes, thank you, Rob.

Ryan

I guess, Rob, that's actually what I was trying to do the way I worded it was by not giving the specifics, so that way, and I'll just pick on him because he's here, Jerry back there, the forester could weigh in and say, "Hey, we've asked for a waiver, but the Corps can help us develop what that would look like."

If we just are basically saying a waiver without putting those restrictions in it, and obviously a waiver is something—we could use a different word than waiver, but waiver is the relative term, I guess, that's most appropriate.

So, yes, that was my goal though was to get it where we want some way that this could happen and let the Corps staff fill in the details on how they think it's most appropriate to do it.

Tammy                    Alright, I'm hearing nothing else, so I'm going to call for a vote. Shelia, would you read it one more time just to make sure we all know what we're voting for or against?

Sheila                    “We would recommend that the commander modify the vegetation modification permit to include provisions for a waiver of the requirement on a case-by-case basis. The commander should include the provisions that may qualify the permittee for the waiver.”

Tammy                    Everyone in favor of the motion as read, please say aye.

All                        Aye.

Tammy                    All those opposed, same sign. Any abstentions? Okay, motion carries.  
Rob, was there an additional motion related to this?

Rob                               There could be, but I don't know how well it actually fits, but the one I had written up was, "The committee recommends the commander explore partnerships with relevant state agencies to provide field support and forestry expertise in developing vegetation management waivers."

Ryan                              Second.

Tammy                            Alright, I have Sheila writing that down just as quickly as she can, but I'm going to have you say it one more time slowly for her.

Rob                                "The committee recommends the commander explore partnerships with relevant state agencies to provide field support and forestry expertise—,"

Sheila                             Slow down.

Rob                                No problem.

Sheila                             After relevant, state agencies—

Rob                                Yes.

Tammy                    Okay, keep going.

Rob                      “To provide field support and forestry expertise in developing vegetation management waivers.”

Rodney                 I probably should have spoken up before you went through all this, but I will tell you that we do coordinate often with the Department of Conservation on issues such as this. Kimberling City there was an area that was overrun with Bradford Pears, and we had the MDC come out recommending how to eradicate some of that.

I think one of the callers they even said they talked about the Towers, the invasive plants growing over there which we got with MDC foresters to go with us. So, I just wanted to say that we do use them occasionally on situations where there are issues.

Tammy                 Thank you. Any other comments or suggestions about the most recent recommendation? It has a second.

Rob                      I appreciate that feedback from the Corps, but if that’s the way it’s interpreted, then we might need to change it. I’m thinking of they don’t

have people that can go out and inspect properties to determine if the vegetation management is appropriate, if they can't get around to doing all these permits, then could they accept the professional opinion of a certified forester, so like Ryan was talking about, or someone from the Department of Conservation to get the work accomplished?

That's what I'm trying to get at with this. I mean, it's good and evident that they work in partnership with the agencies that are in the area, but this would be like another level of agreement where they would agree that they would honor assessments conducted by other agencies. I don't even know if that's possible.

Sheila                    You mean like add after explore, like add contract partnerships or something like that.

Rob                        Well, I wonder if the Corps would even have a contract with anyone. I think it would just like can the Corps write their policy to say, "We will accept a professional opinion that is a certified forester," so then if the landowner doesn't want to wait—okay, if the Corps says they're going to get out to inspect your property in six months, then the landowner can say, "Well, I'm going to contact a private land manager, or I'm going to

contact a certified forester and have them come look, and then will you accept their assessment?"

If the Corps has a policy that allows them that flexibility, then we could move the ball a little bit faster and reduce their workload. So, I guess let me rewrite it. Anyone else have thoughts?

Sheila It sort of says that.

Ryan I liked it. I think you're second guessing yourself. I liked it.

Sheila Yes.

Ryan I mean, I don't think it says that it didn't happen in the past. I don't think it says how it has to happen. I just think it's a good extra resource.

Rob That's true. I guess again I come back to that idea of what an effective recommendation looks like, and the way it's written now, we may get the same answer we just got in November. They may say, "We do work with MDC." So, did we really recommend anything because right now it sounds like we recommended doing something they already do?

Ryan                    You could say it that way. Sorry, I'm trying to figure out how to put this.  
  
Or, you could just be reminding that that is a resource that's available to  
address the increased workload.

Rob                     Okay. Yes, that's fine. That's a good idea.

Tammy                 Alright, so do you want to revise it, or are we good to vote?

Rob                     If no one else feels strongly about it, I'm find with it the way it is.

Pat                      Sounds good.

Tammy                 Sheila, would you read that that one more time right before we vote here.

Shelia                 "We would recommend that the commander explore partnerships with  
relevant state agencies to provide field support and forestry expertise in  
developing vegetation management waivers."

Tammy                 All those in favor of the current recommendation, say aye.

All Aye.

Tammy Opposed? Alright, motion carries. Thank you. It is 3:00. Do we need to take a short break before we go on, are you ready to power through? I'm looking at—

Rob —time to consider whether we need to start that training, right?

Tammy Yes, or do we—yes, and if we take a break, do we start the training then? We've accomplished quite a bit. We have a few things—

Pat Can we do this Zoom training thing next week, just all call in and do it?

Tammy Can we do the training via Zoom where we all call in and do that?

Dana No, the hazack training had to be done by July 15<sup>th</sup>, so we got an extension and an understanding that we were going to do it today.

Tammy Okay, apparently it has to be done today.

Pat Okay. That's cool.

Tammy                    Okay, so how about if we give ourselves even a six-minute break, and then we let you get started, Dana?

Dana                    As I was saying earlier, if we're going to end our session, official committee meeting open to the public, we would need to do an adjournment for this part, and then come back and do the closed session for the administrative to cover the training if that is what the committee would like to do.

Pat                      On my list—

Dana                    —vote on whether or not you're going to have another meeting.

Pat                      On my list, we're three topics away from having everything covered. I don't know if we want to just power through that and close up the public part of this thing.

Tammy                   So, it sounds like the first thing we need to do is entertain a recommendation to continue this meeting on September, whatever date we have set, or continue the agenda that we've been working on, and then

schedule a follow-up meeting where the Corps responds to our recommendations later in the year. Is that right?

Dana You provided multiple recommendations which we can take back to the district commander now, and then if you choose to vote to have an additional meeting, which would be meeting four, that would continue your discussion and then finalize all your recommendations. Then, we have a charge to address—you guys have requested some additional information to be provided at the next meeting, and the committee could provide a final recommendation also at meeting four.

Tammy Okay, so meeting four is—remind me the date, September—

Dana September 23<sup>rd</sup>.

Tammy September 23<sup>rd</sup>. We would finish our recommendations, we would hear from the Corps about the activity that we asked for, and then it would require a fifth meeting though, right?

Dana Yes.

Tammy                    Okay, are we all good with that?

Pat                        I'm just throwing out—I mean, I only have three topics yet, and they're not that detailed. We could discuss, recommend maybe something. If not—

Tammy                    Well, I have more than three. So, I have communication, I have funding, I have the variance of dock length one-third into the cove. I have fees for private slips, requirements to register boat in private slip, and I think that's it, honestly.

So, I mean, we've made it through a lot. Thoughts, Ryan?

Ryan                      I was just going to say, it'd be interesting if we could take poll. Pat has three that's he's still concerned about. I only have one left on the rest of the list that I have concerns about. Not that I'm not open to other people's concerns on those other ones, but there's only one that I'm really passionate about.

I just wondered if we have this list and because we haven't said move past it yet—

Pat We better rip through all of them because I can tell you the one-third, I'll rescind that, so we don't need to get into the weeds on that because it's just too much technical information, and that's—

Rob Can I propose that we work until 20 after 3:00 and then either make the recommendation for an additional meeting or not?

Tammy Okay, alright. So, Ryan, which one are you most passionate about that we include?

Ryan I'd still like to make a long-term recommendation regarding rezoning requests. We pushed it to the other meeting because of that review, but ultimately, to me, the long-term issue of not following the 2003 memo or guide policy is really is as important or more important than the existing request.

Tammy Okay, and Patrick, which ones are you most passionate about?

Pat They're pretty quick ones I can explain, hopefully. Allow courtesy dock in park buffer. That's not a commercial thing. That could impact park

activities and such. Require slip registration, boat registration. I think it's—in my line of business, not to know who your tenants are is a recipe for disaster. Whether you think about it or not, they're your tenants.

Coupled with that is the way the fees are handled for the boat docks and boat slips. It's a massive giveaway because they're grossly low, and the lake is owned by the people, the people who are essentially supporting and paying for that privilege, but to have only to pay \$10, \$15 is just ridiculous. It's not reflective of all the value that's being given, so those rights.

That's a real estate instrument, and that's just a simple recommendation that that needs to be looked at by the commander to find a way to use a real estate that captures that, and that money comes back to Little Rock's to support the program.

So, just put all that in one motion.

Tammy

I don't think Sheila got that all written down, so you might have to help us out here.

Pat Oh, shoot. I can do it again.

Sheila You're going to have to if you want me to write it down.

Pat Let's do the easy one, okay? So, in the alternatives that are being presented us, it would end the opportunity to have a courtesy dock. Now, a courtesy dock is just a dock uncovered that's used during the day like for a fishing pier or access points within a park buffer whether a state park or one of the other Corps parks. We can't envision every scenario, but just to eliminate that and not ever have it addressed for 10 or 15 years I think would be shortsighted.

There's nothing pending, there's nothing this impacts right away, but I'd like for that to still be available to appropriate people that have that—

Sheila What page is that, do you know?

[Speaker off mic].

Ryan Pat, are you referencing courtesy docks like you mentioned like the state park or developed recreation areas?

Pat I'm just talking about there's a—I don't have it in front of me, but it was one of the items in that matrix that said it was a change from the current policy where within a park buffer, a courtesy dock could be permitted if it meant all the criteria, but it was just a blank elimination of that option, and it's my recommendation to the committee that we recommend that that just be maintained, that it's not completely eliminated.

Sheila It sounds like they are allowed. They must permitted, but am I missing something here?

Becky The current SMP has that they're allowed in LDA or RLDA, so Pat was talking about that there's a park buffer area that does not have LDAs or RLDA and would not be allowed in that park buffer. That would areas outside of a developed recreation area that's a protected area.

Sheila So, your motion Pat is to recommend that the commander allow courtesy docks in park buffer zones in addition to—

Pat Yes.

Sheila

Okay.

Pat

I don't have my computer open right now, but it was a change from the current shoreline management plan. The recommended alternative eliminated that. If anybody has that PowerPoint, it's on there.

Tammy

Did you get that written down?

Sheila

I did.

Tammy

Okay, read it to us.

Sheila

"We recommend the commander also allow courtesy docks in park buffer zones."

Tammy

Okay, I need a second to that if we're going to move forward. We have a second. Any further discussion or questions?

Ryan

I guess I'd like—are they—I want to get clear. They were in, they're now not allowed, so can I get why? What would you all say the reason why that change was made?

Rodney                      Currently we're not allowing any courtesy docks in park buffer areas. The current plan does allow them in a marina buffer zone, but Title 36 prohibits—they're called public recreation areas now. They used to be park buffer. Public recreation areas are those designed no private shoreline-use facilities and/or activities will be permitted within or near designated developed public recreation areas.

So, no permitted. We do allow courtesy docks within the recreation area at the boat ramp such as the developed Corps-managed parks, leased parks on the lake, but no permitted courtesy docks, a shoreline-use permit dock in a park buffer and public recreation area.

Rob                              Do we have people asking for that? Were there comments asking for those to be put in those areas?

Pat                                There could be.

Sheila                          Can you repeat that last part?

Pat I could just envision the need for a courtesy dock here and there. I don't have anything planned myself. Over the years we've talked about the need for by the day use area and state park. What you're saying, Rod, is we could still get that done, right?

Tammy So, I think the other question is did we receive public comments that indicated that this is an issue?

Rob If we didn't get public comment for it, I'm going to vote against it, just to be clear if it's just something—or maybe I don't understand, Pat, what you're kind of going for here.

Pat Well, let's see here. I'm looking for the wording on this thing. So, right now, or back when we were under the current shoreline management plan, what was the process, Rodney, for if you wanted a courtesy dock? You converted it to LDA, is that right?

Rodney Right now, the current plan says courtesy docks must be in an LDA or a marina buffer. I don't have the current plan with me.

Pat                                    Okay. Scratch that. I rescind courtesy docks. I must have read it wrong.  
My apologies. You're never going to get those six minute back, I'm sorry.  
Not a problem. Thanks for clarifying.

Tammy                                It's always good. That's why we're all a group so that we can ask those  
questions and do that. Is there another one?

Sheila                                That was motion rescinded?

Tammy                                Yes.

Pat                                     Right.

Tammy                                Patrick, are you rescinding your motion?

Pat                                     Yes, motion rescinded. Topic erased.

Tammy                                Alright. Patrick, did you have another motion for a specific issue?

Pat                                     So, let me go to the direct wording here. Currently, there's a requirement  
to submit the tenant information, basically the boat owner's information,

to the Corps to inform them who is occupying the boat dock. Under the new preferred plan that we are essentially ratifying here, that would be eliminated, and the Corps would no longer track or keep records on who was using or occupying the permitted boat docks.

Based on my experience dealing with the public and the need to know who is on your property, it's the public property but the Corps' jurisdiction, I think that's a mistake. I think there needs to be some mechanism, and I think it could be self-funded. I think it'd all be cloud-based, a simple registration. You get online, you pay your \$15 fee, you fill it out, and it's maybe every two years.

We need to know a name, address, phone number who owns that boat so if it sinks, catches fire, involved in an accident, involved in a crime, we know who owns the boat. It's very helpful to all the stewards of the lake to know who's occupying the lake, and I know why it's been eliminated. It's just a real pain in the wazoo to keep those records, and it's a burden on staff.

My recommendation to the colonel would be to find a mechanism to maintain those records, a database, and that could be through a not-for-

profit third party who handles that and charges the fee. A reasonable fee I think people would be more than accepting of that, but if it's eliminated, I think it'd be a mistake.

Twyla I thought that as a permit holder of a dock, whether it be 4 owners or 20 owners that they had to maintain that list at the time of renewal. It had to be an accurate list that was put in with the application for renewal of the permit.

Rodney That's correct. We currently require, anytime there's a change in boat registration or a change in owner, we require an actual copy of the current boat registration. The proposed plan we still ask them for the boat name, address, and boat registration number of that owner. We just don't require copies.

Twyla That comes from the permit holder?

Rodney Yes.

Twyla So, it's not the individual. I'm a permit holder, and you get a slip on my dock, you don't have to turn it into the Corps. I have to.

Rodney Yes. If it's a 12-stall dock with what we call the permittee, they're going to submit the information for all slip holders in the dock.

Tammy So, you are getting the information. You're just not getting a piece of paper.

Rodney Correct, and I believe—I was looking. I thought we state somewhere that if there is an issue it's brought to our attention that someone is renting a slip in their dock, or someone who is not an owner is using it, we can then go to the permittee or the people at the dock and say, "We need to see a copy of the current boat registration of this slip to match the owner."

Pat I'm not doubting—

Tammy Patrick, do you—

Pat Well, I'm just simply looking at the matrix, and where it says slip owner, boat registration updates, I'm going across, and I see right now they're required to submit proof, most important being the boat registration certificate. That's what you need to have, you know, who owns the boat,

and if you move to what they're recommending, it says, "Do not require proof." So, that is the change that I think is a mistake.

I know it requires some effort, and the caveat—

Tammy Can you share with us which page you're on?

Pat I'm on the—again, I'm on that PowerPoint presentation that at the top it says Shoreline Zoning Management and Alternatives, and the preferred plan is the one that we're ratifying. It's down at the bottom of page 2, and it says slip owner/boat registration update.

I've been on the lake 25 years, and I've been involved in accidents and situations where you have to track people down, and you have to know who's occupying. It also puts some level of certainty that you're not just renting overnight accommodation boat slip rentals and boat rental and commercial uses.

If you have an area where there's a number of docks in the neighborhood, and they all share a like use pattern, you want to have some level of accountability for everybody who's in there. If this goes away, then the

boats can come and go, change, and it moves that use pattern more in a commercial direction for whomever would want to do that, Airbnb, you name it, but if there's a requirement, and people know—

Tammy Corps members, could you help us understand this table and the confusion if there is some.

Becky Ryan is pulling up the table for the members here to see, and it's off of the website, so everybody can pull it off the website, but just for everybody sitting in here, we'll have it up so you can see. This was a document that was created before we went out for the initial draft to explain the differences between the different alternatives that we looked at.

So, currently, in our existing shoreline management plan, if you purchase a boat slip on Table Rock Lake, you are required to come into the duty ranger's office and bring in a bill of sale that's notarized and a copy of your boat registration certificate for your slip if you're going to moor a boat in your slip. We make record of that in our office.

Our current draft plan, you'll see there it says that we do not require proof, and what that means is on page 14 of the draft plan, the last paragraph, it

says, “When a slip in a community dock is transferred to a new owner, the seller and buyer must notify the dock permit’s point of contact individual and provide a copy of the bill of sale for the slip and the boat registration certificate for the boat to be moored in the dock. The dock permit’s point of contact is responsible to provide the updated ownership information to the operations project manager during the permit renewal process or any other time as requested. The dock permit’s point of contact information may be provided to the slip owners of the community dock. Providing false information and/or otherwise not complying with this shoreline management plan and/or the terms and conditions of the permit can result in termination of the permit and removal of the dock from the lake.”

Pat Okay, so you’re planning on the permit dock holder to keep that data.

Becky Yes. We’re putting it off on them to keep the documents and keep up with that data and update us every five years as the permit renews or as there is an issue.

Pat So, you currently don’t require them to update you periodically. It’s just that one time.

Becky Under our current, the individual is supposed to update us as they purchase the slip, and then we also get an update when the permit renews every five years.

Pat Which you'd still get every five years under this scenario, right?

Becky Correct.

Pat Okay, I'm satisfied with that. Again, I was just going down the matrix, and I saw a change, and it says do not require proof. That was a red flag to me, but I see the mechanism that you're going about to get it, and that certainly satisfies my concern, so thank you.

Tammy Okay, Ryan, I know you're working on a recommendation. The other two things that are on my list were related to communication, and I do have a written recommendation if we want to get to that. The other one that's on my list that we haven't gotten to is—and it's very general, but it would be a funding kind of recommendation.

So, those two things are left on my list. Like I said, I have one potential but, Ryan, why do you go ahead, and read yours?

Ryan I'll read it, and then I'll hand you this to copy off of. I wrote down—and I'm open to changes. This is just a first thought. "We recommend that the commander rescind the 2003 policy regarding not allowing new rezoning requests, and all future rezoning requests be evaluated for possible inclusion in future master plan and shoreline management plan revisions." I said that very fast, I'm sorry.

Tammy While she's writing that down, is there a second to that recommendation?  
Okay, we have a second.

Pat I'll second it, but I do have a question or a comment.

Tammy Go ahead and ask your question because that keeps us moving.

Pat Could one of our Corps of Engineers professionals tell us in laymen's terms what that does?

Rodney What I believe it would do, if adopted, right now there's a 2003 policy that new requests that came in after that 2003 memo aren't being considered. This would allow those to be considered just like any request that was

before 2003 using the same criteria, but it wouldn't automatically kick out a request like it is being kicked out now.

Pat                      Would they still need to be addressed before this plan is adopted, the shoreline management plan?

Rodney                 This would not cover those that came to us over the last couple months, but if we're going to cover it in today's meeting, this would at least give us an avenue to get their request considered the next time the shoreline management plan is opened. They don't have an avenue right now because they're automatically being kicked out because of the 2003 policy memo. That's my understanding.

Becky                   Yes, and the other thing that it would do is potentially add additional LDA to the lake if new sites were requested and approved.

Tammy                  Would you read it one more time for us, Sheila?

Sheila                  "We recommend that the commander rescind the 2003 policy regarding not allowing new rezoning requests, and all future rezoning requests be

evaluated for possible inclusion in future master plan and shoreline management plan revisions.”

Tammy Any other questions? Alright, all those in favor, say aye.

All Aye.

Tammy Opposed, same sign. Alright, motion carries.

Just because communication came up so many times, I wrote down, “Recommend to the commander that the Corps continue evaluation of communication plans to the public and seek excellence in all communication.”

I didn’t try to say email, website, whatever, and just left it open. I know there’s a lot of things that everyone does really, really well, but it never hurts to keep looking at it. I don’t know how important it is, but thoughts. I have it written down, by the way.

Sheila I think it’s important to put that statement in there because we do hear that all the time, and I know that they don’t always have either the technology

or the support that they need to help communicate with the public, but that is what the public complains about, honestly, the most. They don't understand many of the rules because you can see, we've sat with them now for how many days, and we still are confused sometimes.

The public just doesn't understand all that they're telling them when they're telling them, so I think it's important to put it in there because that just shows that we believe that it's something that they need to continue to work on and maybe get support for.

Twyla Is there a public relations guy here?

[Speaker off mic].

Twyla I think maybe it doesn't necessarily go in there, but it's just a recommendation on the things that we've been experiencing. I guess my question is how you feel about how you communicate with the general public.

M I think it has gotten better within the last few years, definitely. Now, one of the things that we cannot do is we cannot do a social media page for

each lake. We cannot. It's not that we don't want to do it because we did at one time for Beaver, and we had to take it down. We were ordered to take it down because we're not authorized to have it.

We publish stuff on our social media page all the time, on the district page, but we can't have a Table Rock Lake Facebook page or Twitter page. We can continue posting information. It's not that big of a deal. We try to put out as much information as we can.

Twyla                   What about just an email system like a general what you're talking about to the permit holders that they can finger down into their actual—

M                       Well, that would come from these guys up here. I guess Rod walked out.

Twyla                   Just a thought.

M                       That can happen, but it would come from this office here, and it can be done. It's just the people would have to give their information, and a lot of people don't want to do that.

Twyla                   Don't you have the permit holders' emails?

Becky We have some. We don't have everybody.

Twyla If you don't give it, then you don't get it.

Sheila We actually have a database of people that have attended our workshop from the start of the master plan update process in 2012. We have sign-in sheets and then all the way through the SMP update process, and by signing in and providing your information, they know that we have it, and it may be used in future uses.

Twyla I'm thinking more in line with the water levels and everything. There's information that comes out. I don't know about Sheila, but I can hear 12 different rumors in a day about what the Corps said. Maybe by getting that information out more solid, then the little extra stories don't—

M Well, if you'll notice on our social media pages, we have started putting up, we just started it, so we don't have it massaged yet, but we've started putting the water control page on Facebook for that day. So, that's there.

Twyla I mean, there was one flying around that when we were still at 931 that if you could get in even close to 925 we'd be at 925 for the rest of the year.

Ryan That is a shame that you can't put a lake-specific social media page up. That seems—because someone may not want to get every bit of data you put out, but they may want to get every bit about Table Rock Lake, so that is a shame that that's a limitation that you have because I think that's a perfect way of getting information out to people these days.

M Then, you'd get into the—one of the things is a security issue, and that's why we had to take it down was because people were hacking into it and putting information on there that wasn't us. Then, who do you have monitor that page? Do you have another ranger that's already doing everything else come out and monitor that page, too?

He's trying to get everybody their permits and stuff, and now he has to monitor a social media page. Anything that goes on social media, he would have to then come to us at the district headquarters to see if it was okay for him to put that information out.

So, we want to communicate, we definitely do, and there are a lot of avenues to do it. We just have to find the right one. If you're just talking communication in general, that's something everyone can work on.

Tammy That's it. I'm not sure we got a second on that motion, so—

Ryan I think we're all good with it.

Tammy Alright. I agree. There are so many things every organization can do better in communication, and this is really just to keep it at your forefront and to keep it high on the list always. Yes, Dana.

Dana Can you repeat the recommendation one more time?

Tammy Yes, it's, "Recommend to the commander that the Corps continue evaluation of communication plans to the public and seek excellence in all communication." So, it's broad. It's just laying it back on you guys to figure out the best way to do that.

All those in favor of the communication recommendation, say aye.

All Aye.

Tammy All those opposed.

Patrick Aye.

Tammy Alright, motion carries. So, we had talked earlier about a funding recommendation, and I know Dana wants to—

Sheila One quick question. Who was the opposed?

Tammy Patrick, was that you in the opposed?

Pat Oh, no. I was just late to the draw. Sorry.

Tammy Okay, thank you. We're just clarifying.

Pat One hundred percent in favor.

Tammy Is there kind of a funding recommendation that we want to make? Is that something you want to tackle today? I know it's 3:35. I get it.

Ryan

I could see us doing two things. I mean, I would view any recommendation we made on funding to be just like the one we just made on communication, and that is it's not that we think there's a specific thing in the shoreline management plan that you could sit there and go, "Okay, we're going to change this from \$10 to \$1,000," because you can't do that. We understand that.

It would be more if we made it, in my opinion, a statement of we understand to do everything we're asking and everything this plan requires, it requires adequate funding and adequate staff to do it. I don't know how to put that in a motion, but I don't want that to be viewed—every recommendation that we make hopefully isn't being viewed as a negative, as in more of a hey, this is going in the recommendation because we want to make sure everyone understands that in order for you to do it effectively, adequate language has to be there.

Pat

I think I'll take a shot at it. Somebody have a pencil ready?

Tammy

Yes, Sheila's waiting. Talk slow.

Pat                               Okay. I make a motion that the committee recommends the commander look for alternatives to address the issue of boat dock fee income versus—

Sheila                           Stop there, Pat. The issue of—you cut out.

Pat                               Sorry, I'm in the car. The issue of boat dock fee income versus the cost of managing the private boat dock program. The income is not nearly commensurate with the value that's being provided the permit holder based on a market value, based on a privilege of using that, and it's putting an undue burden upon the Corps of Engineers.

Sheila                           Can I read that back to you?

Tammy                           Please do.

Sheila                           I'm going to read it, and then you tell me how to tweak it. "We recommend the commander look for alternatives to address the disparity between boat dock fee income versus the cost of managing a private boat dock program."

Tammy Does that address the funding needed for the Corps to take care of this lake, or is that too narrow? I'm just asking.

Pat The thing is I think we're just saying we recognize that and would fully support a program probably through the real estate that generated the appropriate income to properly manage the permitting process to provide better service. You talk about communication, you talk about timing, and how responsive the Corps can be. It's mazing they can do what they do. It's because it's so upside down, it's ridiculous.

I'm not John Stossel, but it's a massive giveaway, and people would more than happy to pay \$50 a year to have the privilege of a boat slip, but we're only asking them for a dollar. You don't have to put all that in there.

Twyla Does that come back directly to the vegetation—

Pat No, it doesn't. It needs to be a real estate instrument.

Tammy Dana.

Dana

To speak a little bit to Pat's comments, there's a fee structure in Title 36, and again, it's one of those that would be—we literally have to have an Act of Congress to change that. It is something that the Corps of Engineers on a national level has been trying to look at for years. We know it is a problem. We just haven't been able to figure out how to address it.

Ryan

One thing it will do is there will be people who maybe read our recommendations who have more control over that than the people who are receiving them. So, I still think it's a very valid thing for us to put in there just to acknowledge that we understand that the funding is needed, and as Pat is saying, and I'll pass it to him because he's the one paying some of these fees, not me, is the fees may not even be commensurate with the benefit he feels he's getting, not anywhere close to the benefit he feels he's getting.

So, I still think it's a—

Pat

Keep in mind, this has nothing to do with commercial marinas. So, let me—

Ryan I heard you say you want to just double commercial marina fees. Is that not true?

Pat No, no. Well, I wanted to say is let's say if every one of my customers that rents a slip commercially will pay 3% to 5% of their rent in a fee for the lease, and that can vary from \$50 to \$200 a year, per year, per boat, or even higher.

There's nothing near that happening on the private slip slide that could go to the Corps to help manage the burden of keeping track of everything and managing that. So, I mean, the commercial, whether those are too high or too low is moot. I'd be thrilled if they were commensurate with the commercial rates.

It's not a competitive thing. This isn't enough money to make anybody decide anything differently. I mean, for example, a private slip on Table Rock will change hands from \$20,000 to \$40,000, and what does the Corps get? Zippo. They get \$15 a year, and they're the ones that have to manage the darn thing. They're the ones that own it in terms they own the rights. The dock wouldn't exist unless the Corps gave them the permit.

So, it just seems like this is—

Tammy                   Okay, I'm going to see—can I have Sheila read the latest version of this?  
We're not sure?

Sheila                   I wrote a couple versions. “We recommend the commander look for  
alternatives to address the disparity between boat dock fee income versus  
the cost of managing a private boat dock program.” That's one  
alternative.

“We recommend the commander look for an alternative to address the  
disparity between the revenue generated from the private boat dock  
program versus the cost of operating the program.”

Pat                       That's the better one. Go with that. It's simple. He knows this, but we're  
just—

Sheila                   You're welcome.

Pat                       Well written the second version.

Tammy                   Excellent, and Twyla seconded the second version. Any other questions or discussion related to the second one? Alright, all those in favor of this recommendation say aye.

All                       Aye.

Tammy                   Opposed? Motion carries. Do we have any other recommendations? Committee members, if we are done, I can entertain a motion to adjourn, and then we will come back together on September 23<sup>rd</sup>.

Rob                      For our final meeting?

Ryan                     Will our meeting minutes go to the commander? Is that how we'll be getting this to him?

Dana                     Yes, [background noise]. Yes, what Sheila has written down will be your official recommendation.

Tammy                   Just so that we all have a copy of that, can I send that out to the group as soon as she sends it to me? I know I sign it for the record. I don't know how fast it gets posted on the website.

Dana I try to post it as soon as we get it.

Tammy So that people could, we just might need to remind everybody go check the website and look at all the recommendations.

Dana Yes, in fact myself or Becky can send a note saying we have the meeting minutes, they're posted, please go out, and take a look.

Ryan Can I make a recommendation? Can we have the minutes, and this isn't any additional work on you, Sheila, but just pull it out and make a one document that says "Recommendations" at the top and list them? That seems easier to me than pulling them out of our minutes.

Tammy I don't think that's going to be an issue. I don't know if you've looked at the minutes of the last two. That's not going to be an issue.

Ryan Okay.

Tammy They're very brief. Our recorder is getting every word. She's not included everything. I think it will be okay.

Sheila I can copy and paste a page to the second page of the minutes that just says, "Recommendations" if that's—I'll do that, send it, and make a new [indiscernible].

Tammy So, do you have some things you need to say before we formally adjourn?

Dana Yes, ma'am.

Tammy Okay, I'll let you do your thing.

Dana Okay, so it's my understanding the committee has provided their recommendations. Our next step in accordance with FACA, these recommendations will be evaluated by our division commander along with our district commander. A decision will be made as to whether to implement the recommendations.

The local USACE team will then update the master plan and shoreline management plan as directed and then provide the plan to the division commander for signature.

Then, as a reminder, the next and final meeting, which would be meeting four, will be September 23, 2020 from 8:00 a.m. to 12:00 noon. We have a reminder where to find our documents on the Table Rock Lake Oversight Committee website. It's [www.swl.usace.army.mil/missions/planning/table-rock-lake-oversight-committee](http://www.swl.usace.army.mil/missions/planning/table-rock-lake-oversight-committee). I apologize for the length of that address.

If there's anybody that needs to get that website address, you can contact our public affairs office leading to the reminder for point of contact for media contacts, our public affairs office phone number is 501-324-5551, or you can reach them via email [ceswl-pa@usace.army.mil](mailto:ceswl-pa@usace.army.mil). That's what I have.

Tammy                      Okay, and I think I need a formal motion for adjournment and a vote.

Ryan                        So moved.

Tammy                      Is there a second? Alright, all those in favor of adjournment, please say aye.

All                            Aye.

Tammy

Opposed. Alright, we are adjourned. Thank you.