

TABLE ROCK LAKE MASTER PLAN TO SMP, RESPONSE TO TRLOC RECOMMENDATIONS, AND FINAL SHORELINE MANAGEMENT PLAN (SMP)



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MEETING PURPOSE AND OBJECTIVES

- Overview of the Table Rock Lake Shoreline Management Update Process – How did we get here?
 - Master Plan Revision to SMP Update
- TRLOC Meeting #3 Recommendations and Corps response
- Final 2020 Table Rock Lake Shoreline Management Plan—what's in it?



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TABLE ROCK LAKE MASTER PLAN TIMELINE



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MASTER PLAN—SCOPING (2012)

- Public comment period from 14 November to 14 December 2012.
- 3 Public Workshops:
 - 28 November 2012, Reeds Spring
 - 29 November, Shell Knob
 - 1 December 2012, Branson
- Total of 1,357 attendees signed in at workshops. There were a number of additional attendees at each workshop that did not sign in. It is estimated that 1,800 people attended the three workshops based on seating capacity at each venue and a visual estimate of filled to empty seats.
- 615 comments collected (Comment cards, Fax, Letters, Email, Verbal comments).



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MASTER PLAN—DRAFT RELEASE (2013)

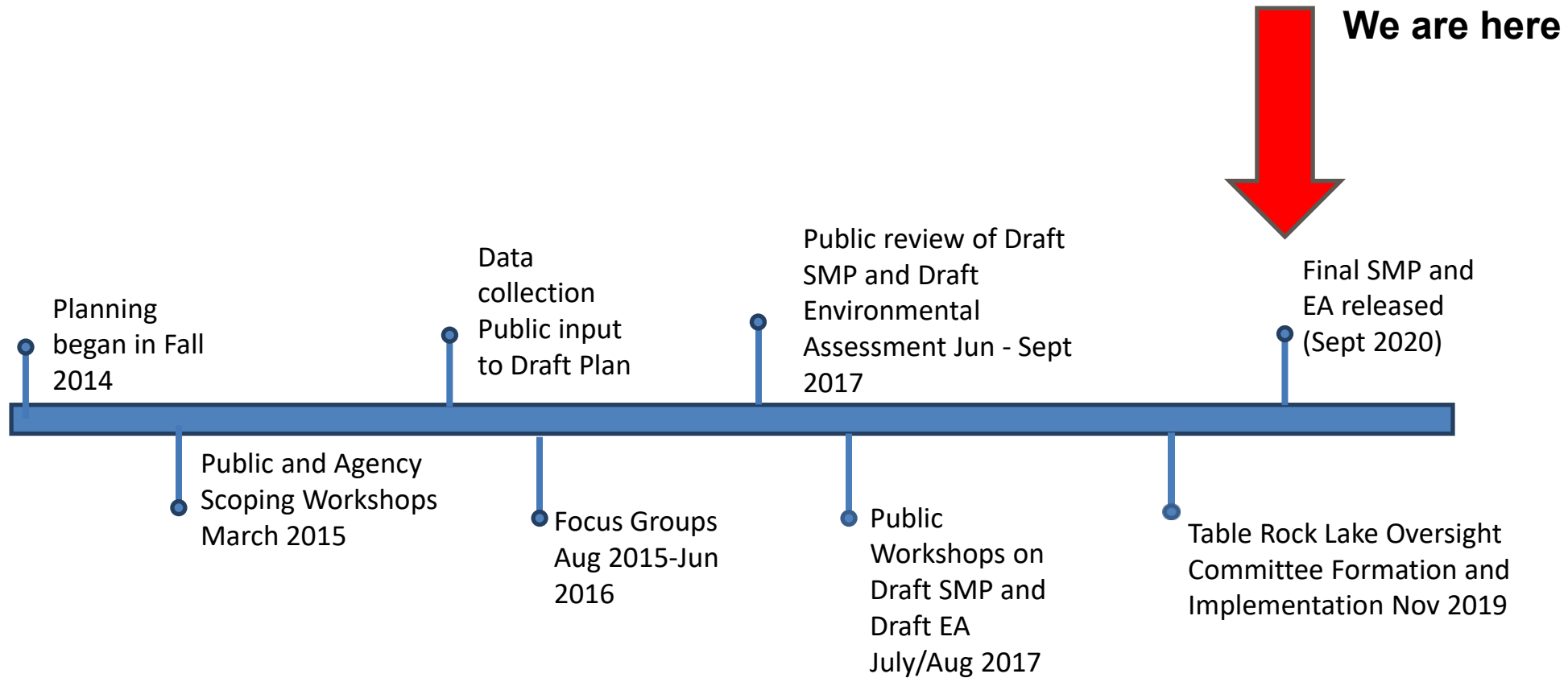
- Public comment period from 30 July to 30 August 2013
- 4 Public workshops with video, display maps, Corps Staff
 - 14 August 2013, Branson
 - 15 August 2013, Shell Knob
 - 16 August 2013, Kimberling City
 - 17 August 2013, Branson
- Over 1,200 attendees to workshops.
- 842 comments received during public comment period
(Comment cards, Fax, Letters, Email, Verbal comments).



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TABLE ROCK LAKE SMP TIMELINE



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COMMUNICATION/OUTREACH—SCOPING (2015)

Initial Public Scoping Workshops were conducted over a three day period in March 2015 (26-28 March)

- 39,911 postcards sent; 12,821 emails sent
- All workshops were held in the Branson Convention Center
- 482 attendees
- 502 agency and public comments received during comment period (16 March through 1 May 2015)
- Four News releases generated 13 media engagements and 42 news clips
- Shortened URLs drove 2,280 people to the SMP webpage
- Facebook posts generated a reach of more than 20,000



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WIIN/WRDA 2016 SECTION SEC. 1185. TABLE ROCK LAKE, ARKANSAS AND MISSOURI

(a) IN GENERAL.-Notwithstanding any other provision of law, the Secretary-

- (1) shall include a 60-day public comment period for the Table Rock Lake Master Plan and Table Rock Lake Shoreline Management Plan revision; and
- (2) shall finalize the revision for the Table Rock Lake Master Plan and Table Rock Lake Shoreline Management Plan during the 2-year period beginning on the date of enactment of this Act.

(b) SHORELINE USE PERMITS.-During the period described in subsection (a)(2), the Secretary shall lift or suspend the moratorium on the issuance of new, and modifications to existing, shoreline use permits based on the existing Table Rock Lake Master Plan and Table Rock Lake Shoreline Management Plan.

(c) OVERSIGHT COMMITTEE.-

(1) IN GENERAL.-Not later than 120 days after the date of enactment of this Act, the Secretary shall establish an oversight committee (referred to in this subsection as the "Committee").

(2) PURPOSES.-The purposes of the Committee shall be-

- (A) to review any permit to be issued under the existing Table Rock Lake Master Plan at the recommendation of the District Engineer; and
- (B) to advise the District Engineer on revisions to the new Table Rock Lake Master Plan and Table Rock Lake Shoreline Management Plan.

(3) MEMBERSHIP.-The membership of the Committee shall not exceed 6 members and shall include-

- (A) not more than 1 representative each from the State of Missouri and the State of Arkansas;
- (B) not more than 1 representative each from local economic development organizations with jurisdiction over Table Rock Lake; and
- (C) not more than 1 representative each representing the boating and conservation interests of Table Rock Lake.

(4) STUDY.-The Secretary shall-

- (A) carry out a study on the need to revise permit fees relating to Table Rock Lake to better reflect the cost of issuing those permits and achieve cost savings;
- (B) submit to Congress a report on the results of the study described in subparagraph (A); and
- (C) begin implementation of a new permit fee structure based on the findings of the study described in subparagraph (A).



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PUBLIC REVIEW PERIOD AND WORKSHOPS— DRAFT RELEASE (2017)

- Public review and comment period was held 30 June through 15 September 2017 (60+ days per WRDA 2016)
- 3 workshops:
 - Branson, Chateau on the Lake, 31 July 2017
 - Shell Knob, United Methodist Church, 1 August 2017
 - Reeds Spring, Reeds Spring High School, 2 August 2017
- 861 attendees to the public workshops
- 3,175 comments received
- 34,953 postcards and 8,692 emails sent out
- Use of Social Media (Facebook boosted posts)
- Between June 30 and September 15, 2017, the Table Rock Lake SMP webpage was visited 7,524 times



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TABLE ROCK LAKE OVERSIGHT COMMITTEE (TRLOC)

Table Rock Lake Oversight Committee (TRLOC) Set up

- Initial package sent to Southwestern Division 28 March 2017
- Implementation guidance for WRDA 2016, Section 1185(c) was signed by USACE Director of Civil Works, Mr. Dalton, 8 June 2017
 - Moratorium at Table Rock Lake lifted; requests for new shoreline use permits accepted/processed under the existing TR Lake SMP (1996) and Master Plan (2014)
- 2nd TRLOC package submitted in February 2018; endorsed by the Assistant Secretary of the Army (Civil Works) May 2018. Initial approval to establish TRLOC rec'd November 2018
- Report to Congress, per WRDA 2018 requirement, submitted to SWD March 2019
- 3rd TRLOC package to establish the committee by name submitted February 2019. Rec'd appointments for TRLOC 21 October 2019
- Original Federal Register notice with all TRLOC meetings and meeting etiquette published 21 November 2019



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TABLE ROCK LAKE OVERSIGHT COMMITTEE

- 11 September 2019 – 1st TRLOC meeting (Admin). FACA background, Roles/Responsibilities of TRLOC, Ethics Training
 - 21 October 2019 TRLOC Appointment Memos (greenlight to officially establish the committee)
 - Release DRAFT Table Rock Lake SMP to TRLOC, Federal Register notice (21 November 2019)
- 12 December 2019, 8AM to 12PM – 1st TRLOC meeting (public). Introduction of draft documents
- 5 March 2020, 8AM to 5PM – 2nd TRLOC meeting (public). TRLOC provide comments to Corps on Draft SMP. Take public questions/comments on TRLOC comments. TRLOC discussion on comments received
- 9 July 2020—All written public comments on draft documents must be received (not postmarked)
- 16 July 2020, 8AM to 5PM – 3rd TRLOC meeting (public). Additional TRLOC discussion on comments received. Verbal comments accepted at this meeting. TRLOC makes final recommendations to SWL District Commander
- 23 September 2020, 8AM to 12PM – 4th TRLOC meeting (public). Final TR Lake SMP release to TRLOC/final release workshop to public



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Table Rock Lake Oversight Committee—Recommendations and Little Rock District Response



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TRLOC RECOMMENDATIONS AND CORPS RESPONSE

TRLOC Recommendations #1 and #2 – Serenity Shores

#1: The TRLOC recommends to the Little Rock District Commander to approve a limited resort lease at Serenity Shores.

PDT response: Concur. Approval for Serenity Shores limited resort lease can move forward to COL Noe. Requested lease for path and dock is located near the back of a cove and within an existing LDA (#511) and meets the other physical requirements of dock placement.

#2: The TRLOC recommends to the Little Rock District Commander to place a limitation in the limited resort lease to restrict Serenity Shores from using more than 50% of its slips for watercraft rental.

PDT response: Non-Concur. The lease applicant verbally indicated they would only have 2-3 slips for watercraft rental, no other resort lease has this condition, and the District must remain consistent in its Real Estate lease applications.

**Any further action on this lease will follow U.S. Army Corps of Engineers Real Estate regulations because leases do not fall under the scope of a SMP.



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TRLOC RECOMMENDATIONS AND CORPS RESPONSE

TRLOC Recommendation #3 – Commercial Remote Service Dock Program (CRSD)

#3: The TRLOC recommends to the Little Rock District Commander that the Commercial Remote Service Dock program not be eliminated.

PDT response: Concur.

Background: The CRSD program was a U.S. Army Corps of Engineers (USACE) pilot program initiated in the 1990's for Table Rock Lake only. The District considered ending the program based on negative public comments received prior to the start of the SMP revision process. Those negative comments included objectionable vehicular and pedestrian traffic in communities adjacent to the lake; that the Table Rock CRSD program is the only one in the nation; and that only one (1) new CRSD has been placed on Table Rock Lake since 2007 indicating no public need. However, due to additional public comments in favor of the program received during the SMP update process and the TRLOC process, the District will not eliminate the CRSD program at Table Rock Lake at this time. The CRSD program is considered a separate program outside of the purview of the SMP. Thus, the program will not be administered through the SMP. The District updated the CRSD reference in the SMP under the "Special Topics Section" to reflect that the program does not require a Shoreline Use Permit and will not be administered by the 2020 Table Rock Lake SMP.



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TRLOC RECOMMENDATIONS AND CORPS RESPONSE

TRLOC Recommendation #3 – Commercial Remote Service Dock Program (CRSD) contd.

PDT has updated CRSD reference in the SMP under the Special Topics Section and has been implemented with the signing of the final TR SMP.

“Commercial Remote Service Docks (CRSD) are docks owned and operated by a marina concessionaire, but located outside the marina’s prime lease area within the Marina Buffer allocation. **These docks are maintained under a Real Estate Lease between the USACE and the marina concessionaire, and therefore, do not require a Shoreline Use Permit and are not administered under the SMP.** CRSD program is managed and administered under a Little Rock District regulation. These docks are intended to provide commercial dock storage expansion, reduce marina-related traffic on interior park roads, and enable convenient public utilization of quality commercial boat storage services outside of park areas.”



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TRLOC RECOMMENDATIONS AND CORPS RESPONSE

TRLOC Recommendation #4 – Vegetation Modification Permit and Waiver

#4: The TRLOC recommends to the Little Rock District Commander that the vegetation modification permit be modified 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.

PDT Response: Non-Concur. The PDT appreciates the intent of this recommendation; however, enforcement of waivers in vegetation modification permits is not reality. The Table Rock Lake SMP provides necessary objectivity in enforcing rules equitably. To include waivers on vegetation modification permits gives way to subjectivity, which exposes the USACE to accusations of being arbitrary and capricious.

Further, it would be imprudent to issue waivers due to inadequate development planning and construction of an individual or community residence that sits on or close to a property line. The District wants to avoid setting a precedent that by building up to the Government boundary line one could force the Corps to allow vegetation modification within an Environmentally Sensitive Area or an area that is not classified for vegetation modification. In addition, both the 2014 Table Rock Lake Master Plan and the 2020 Table Rock Lake Shoreline Management Plan revisions implemented the National Environmental Policy Act (NEPA) process, which allowed numerous opportunities for public outreach, review, and comment on establishing, managing, and protecting these areas. By allowing a waiver on permit requirements, this action would circumvent and negate the NEPA process.



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TRLOC RECOMMENDATIONS AND CORPS RESPONSE

TRLOC Recommendation #4 – Vegetation Modification Permit and Waiver contd.

PDT recommends the Commander has and will continue to implement the committee's recommendation in the following ways:

1. SMP Section on Dead Trees and Limb Hazards
2. SMP Section on Invasive Species Removal
3. SMP Section on Appeal Process



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TRLOC RECOMMENDATIONS AND CORPS RESPONSE

TRLOC Recommendation #5 – Partnerships

#5: The TRLOC recommends to the Little Rock District Commander that the Corps explore partnerships with relevant state agencies to provide field support and forestry expertise in developing vegetation management waivers.

PDT Response: Concur with idea of exploring further partnerships; non-concur on changing vegetation modification permits to include waivers (see #4 TRLOC recommendation). PDT has added the following “Partnerships” paragraph the Special Topics Section of the final TR SMP:

“To ensure best management practices regarding Shoreline Management, USACE staff at the District and Project levels will engage regularly with other Federal, State and local government agencies that have jurisdiction and/or expertise in areas covered by provisions of this SMP, including but not limited to USGS, USFS, USFWS, MDNR, MDC, MSHP, etc.”



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TRLOC RECOMMENDATIONS AND CORPS RESPONSE

TRLOC Recommendation #6 – Rezoning Request and the 2003 SWL Rezoning Request Policy

#6: The TRLOC recommends to the Little Rock District Commander that the 2003 policy regarding not allowing rezoning requests be rescinded, and that all future rezoning requests be evaluated for possible inclusion in future master plan and shoreline management plan revisions.

PDT Response: Non-Concur. PDT recommends the Commander does not implement this recommendation, no changes to the SMP suggested. In accordance with SWLR 1130-2-48, zoning requests, including rezoning, will only be considered when the existing zoning is full to the maximum extent allowed by Title 36, and only then during the SMP revision process to include public involvement. During an SMP revision, shoreline allocations will not be changed unless a unique situation exists. SWLR 1130-2-48 was vetted through all of Little Rock District lakes with shoreline management plans.



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TRLOC RECOMMENDATIONS AND CORPS RESPONSE

TRLOC Recommendation #7 – Communication

#7: The TRLOC recommends to the Little Rock District Commander that the Corps continue evaluation of communication plans to the public and seek excellence in all communication.

PDT Response: Concur. The Little Rock District will continue to evaluate our communication plans and update as necessary. We value our local Resource Agencies input along with public feedback. We welcome suggestions on ways to improve communications, and can try to incorporate where feasible.



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TRLOC RECOMMENDATIONS AND CORPS RESPONSE

TRLOC Recommendation #8 – Sustainable SMP Program

#8: The TRLOC recommends to the Little Rock District Commander that the Corps look for alternatives to address the disparity between revenue generated from a private boat dock program versus the cost of operating the program.

PDT Response: Concur. PDT agrees with recommendation; however, we don't have the authority (yet) to make changes to the fee structure currently in Title 36.

- Section 1185(c)(4)(A)(B)(C) of WRDA 2016 allows for a study, "...on the need to revise permit fees relating to Table Rock Lake to better reflect the cost of issuing those permits and achieve cost savings"; "...submit to Congress a report on the results of the study described in subparagraph"; and, "...begin implementation of a new permit fee structure based on the findings of the study described in subparagraph (A)."
- The Corps has initiated a national study to address the TRLOC recommendation as this has implications not only to Table Rock Lake, but to all Corps lakes across the Nation.



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2020 Table Rock Lake Shoreline Management Plan – Major Changes

Major Changes Based on 2017 Public Comment



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ALTERNATIVE 4(A) – REVISED NEUTRAL CHANGES (SELECTED ALTERNATIVE)

- Alternative 4, the Neutral Changes alternative, was released to public during the summer of 2017.
- Alternative 4(a), the revised Neutral Changes alternative, is based upon response to the public review and draft release during the summer of 2017 and recommendations made by the TRLOC.
- There have been minor changes in mapping of the shoreline allocations from the draft release to the selected alternative. Mapping changes include: comments from draft, minor dock shifts and mapping errors, two rezoning requests, and two additional LDAs where dock site inspections have been approved based upon the 1996 SMP community dock only allocation.



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CHANGES FROM ALTERNATIVE 4 TO ALTERNATIVE 4(A) – REVISED NEUTRAL CHANGES (SELECTED ALTERNATIVE)

- **DELETED** requirement to replace all existing permitted dock electric service to Solar. Reverted to existing lake policy requiring solar for NEW only.
- **DELETED** Mowing and/or underbrushing will not be permitted across any natural or manmade break in vegetation such as a road, creek, electric distribution line, etc. Changed to mowing and/or underbrushing may be limited in circumstances when determined to be in the best interest of the stewardship of the natural resources, for instance if a protected species habitat is discovered such as a Bald Eagle nest or if a safety issue is discovered on site such as crossing a creek, bluff, or a government maintained road.



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CHANGES FROM ALTERNATIVE 4 TO ALTERNATIVE 4(A) – REVISED NEUTRAL CHANGES (SELECTED ALTERNATIVE)

- **DELETED** requirement to remove all “No Wake” buoys at private/community docks. Reverted back to lake policy of not recommending this use; but authority to issue remains with Missouri State Highway Patrol, Water Patrol Division.



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ALTERNATIVE 4(A) – REVISED NEUTRAL CHANGES (SELECTED ALTERNATIVE)

Allocations

- Limited Development Areas*
- Public Recreation Areas*
- Prohibited Areas*
- Protected Areas*
- Restricted LDA
- Marina Buffer Areas

*= The four shoreline allocations designated by 36 CFR 327.30 and ER 1130-2-406; The other allocations are optional and not required by regulation.



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CHANGES TO SMP (1996 TO 2020)

Shoreline Allocations (Zoning)

- Park Buffer allocation name changed to Public Recreation Area (PRA).
- Certain Public Recreation Areas around the lake have been reduced, thus allowing the potential for vegetation permits in some areas where previously not allowed.
- Docks located outside of Limited Development Areas (LDA) and outside of Marina Buffer Areas have been placed in LDA, thereby relieving the grandfather status for these docks.
- Docks located in Restricted Limited Development Areas (RLDA) have fewer restrictions. If all other criteria is met, docks may expand, add swim docks, etc., but may not add slips.
- Community Dock only and Courtesy Dock only allocations have been changed to LDA. Some of those allocations have been relocated if inactive.
- Resort allocation has been changed to LDA, RLDA, or PRA.



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CHANGES TO SMP (1996 TO 2020)

Private Floating Facilities (Docks)

- New permits will be issued for new docks containing a range of 1 to 20 slips.
- There is now a threshold of 30,806 access opportunities (all boat slips—private, community, marina (wet and dry), resort, and launching ramp parking spaces) that can be placed on the lake.
- Maximum size slip has changed from 14" x 30" to 12" x 30".
- Requests to modify docks can only be submitted by the permittee and only 1 request will be considered in the 5-year permit period.
- PWC lifts attached to the dock must be owned/used by a slip owner in the dock.
- Licenses for new land based electric service will not be approved. If a dock with existing land based electric service is relocated or moved, the existing electric service must be removed and the area restored prior to the issuance or approval of the boat dock permit. In these instances, new electric service must be provided by an alternative power source. If a dock is rebuilt at the same location, the existing electric service may be used. Licenses for existing electrical service to docks may be renewed. In any instance of ground disturbance, compliance with Archeological Resources Protection Act (ARPA) must be met at the license holder/applicant's expense or the updated electric service must be provided by an alternative power source.



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CHANGES TO SMP (1996 TO 2020)

Vegetation Modification Permits

- Mowing and/or underbrushing permitted area may be limited in circumstances when determined to be in the best interest of the stewardship of the natural resources, for instance if a protected species habitat is discovered such as a Bald Eagle nest or if a safety issue is discovered on site such as crossing a creek, bluff, or a government maintained road.
- Trees and shrubs up to two (2) inches in diameter (measured at ground level) may be removed. Cedar trees up to three (3) inches in diameter (measured at ground level) may be removed. Dogwood, redbud, or serviceberry trees cannot be removed, regardless of size.



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CHANGES TO SMP (1996 TO 2020)

Other Permits/Outgrants

- No new ski course permits will be issued.
- Generally, new outgrants will not be issued for residential amenities, such as steps, stairways, water lines, tramways or private electric service lines that have not previously been issued an outgrant.
- Regulatory buoys are regulated by the Missouri State Highway Patrol, Water Patrol Division. The placement of these buoys will continue to be coordinated with the Corps.



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Questions regarding the 2020 Table Rock Lake Shoreline Management Plan should be directed to:

Table Rock Lake Project Office, Duty Ranger

501-340-1935 or

DutyRoom.TableRock@usace.army.mil



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Thank you to everyone who participated in this process. Your feedback helps us everyday to effectively manage our Nation's resources!!



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