

Required Information

Name / Organization Fred Greene

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Comments

Reference material: Title 36, vol. 3, Sec. 327.30 Shoreline management on civil works projects, section e, item 6 public participation

States "District commanders will ensure public participation in the maximum practicable extent in SMP formulation, preparation and subsequent revisions. ..."project with significant number of permits SHOULD consider developing computerized programs to facilitate exchange of information with permittees and to improve program efficiency".

Reference material: PowerPoint presentation dated 12/12/19 by Dana Coburn, project manager. Slides 4, 5, 9, 11,14, 15, 16 & 17

Comment/request 1: both the reference material from Title 36 as well as the Power Point presentation mention information dissemination via computerized methods. Ms. Coburn's presentation specifically mentions e-mail communications.

As a permit holder for a private floating facility with an electrical easement as well as a shoreline vegetation modification permit, I have yet to be contacted via the e-mail address I have on file with the USACE on my two permits. I only learned of these new meetings and review due to an accidental trip to our lake house in January 2020.

Seems to me the USACE should have the intellectual capability and computer capability to develop an e-mail list of all private floating facility permit holders to advise them of these meetings and potential changes which could have a significant impact on their personal property.

I believe the committee should recommend to the Little Rock District Commander he REQUIRE his local Table Rock management team to develop such a list and utilize it in the future to assure "the maximum participation" as required in Title 36 referenced above.

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Comments

Reference material: Slide 15 of Power Point presentation by Dana Coburn, Project Manager dated 12/12/19. SMP draft 2019 various locations.

Please pass on to the Little Rock District Commander my appreciation of the USACE's listening to the 2017 meetings discussing the forced conversion to an alternative power source by 2027. It is heartening to know the USACE does consider the opinions of others.

That said, within the new SMP dated 2019, I recommend the committee consider requesting the Little Rock District Commander add, to the section titled Private Docks, a reference to the Electric Lines section found later in the SMP.

I would also suggest the committee recommend to the Little Rock District Commander that upon the sale or transfer of a private floating facility to a new owner, conversion to an alternative energy source be required within the first five year permit period of the new owner. This would accelerate the

conversion to alternative energy sources while not financially burdening the existing owners. In my opinion, if a new owner wants a private floating facility, the additional \$ 10 - \$ 15,000 cost to convert and existing private dock to an alternative energy source will not have a material impact on the price they will be willing to pay for the existing facility.

I would also suggest the committee recommend to the Little Rock District Commander a clarification of ownership change. As long as the owner(s) of the private floating facility, either individual or as a married couple, transfer the ownership of the facility into a trust, either revocable or irrevocable, where the existing owner(s) is/are the grantor(s) of the trust, be excluded from the conversion to alternative energy requirement. As personal property, this transfer would have to be noted on the books and records of the tax assessor collectors for the county in which the property is located and the annual property tax assessment must reflect ownership by the trust.

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Comments

Reference material: PowerPoint presentation Dana Coburn, Project Manager dated 12/21/19 slide 17. SMP draft dated 2019 page 14 line 9 under Private docks and Page 14, line 24 under community

docks, page 40 under Regulatory Buoys. Draft Environmental Assessment dated October 2019 page 9 under 3.5 Revised Neutral Change (Alternative 4a) (Preferred)

The Environmental Assessment says there will be no change and existing buoys are allowed to remain. The Power Point presentation shows the "No Wake Buoys" item "lined out" potentially implying "no wake" buoys will be allowed. The SMP dated 2019 page 14 explicitly states buoys to "restrict speed of passing boats" is not allowed.

Page 40 of the SMP adds additional confusion stating the USACE "does not recommend the installation of no wake buoys to restrict the speed of passing boats at private/community docks" and appears to defer the decision to the Missouri Highway Patrol, Water Patrol Division.

The implication is the USACE does not have jurisdiction over what occurs on the waters of Table Rock Lake. That jurisdiction belongs to the Missouri Highway Patrol, Water Patrol Division. While this is probably the legal case, the confusion caused needs a solution.

I suggest the committee recommend the Little Rock District Commander coordinate with his counterpart at the Missouri Highway Patrol, Water Patrol Division, to develop a process by which existing "no wake buoys" are reviewed and requests for new "no wake buoys" considered for installation and that process be included in the 2019 version of the Table Rock Lake SMP.

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Comments

Reference materials: Power Point presentation by Dana Coburn, Project Manger date 12/12/2019, slide 16, Draft of Table Rock Lake SMP page 29 under vegetation modification, page 40 cedar trees.

As discussed within the SMP, while cedar trees are not considered by the State of Missouri to be an evasive species, the SMP actually frames the debate over the viability and usefulness of cedar trees very well. In areas defined as RLDAs, MBAs, PRAs, PSAs and PAAs (which account for roughly 88% of the total shoreline around Table Rock Lake) I am in complete agreement with the USACE's strategy of limiting the termination of cedar trees.

However in areas considered LDAs, many of which have no development or permitting associated with them at this time, I believe the USACE needs to consider another strategy. As pointed out on page 40 of the draft SMP, The Missouri Department of Conservation, which I assume is a fairly reliable source or the USACE would not devote space in the SMP to their opinions, appears to recommend the USACE consider allowing for the removal of larger cedar trees.

The question boils down to one thing. Which is a more effective method to control erosion of the soil from USACE property into Table Rock Lake? Is it existing cedar trees or is it "native warm season grasses" as recommended by the Missouri Department of Conservation committee that reviewed the issue.

I suggest the committee recommend the Little Rock District Commander allow for the removal of cedar trees in excess of the 3 inch diameter specification in LDAs ONLY where a vegetation modification permit is authorized and the holder of the permit, at their expense, plant "native warm season grasses" in place of the cedar trees to better hold the soil from washing into Table Rock Lake.

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Comments

References: Table Rock Lake SMP draft dated 2019, Title 36, Chapter III, Part 327, Code of Federal Regulations section 27: Violations of rules and regulations.

The section of the Federal register listed above allows "Any person who violates the provisions of the regulation in this part, ..., may be punished by a fine of not more than \$ 5,000 or imprisonment for not more than six months or both and may be tried and sentenced in accordance with the provisions of section 3401 of Title 18, the United State Code. Persons designated by the District Commander shall have the authority to issue a citation for violation of the regulations in this part, requiring any person charged with the violation to appear before the United States Magistrate within whose jurisdiction the affected water resources development project is located (16 U.S.C 460d).

Under the proposed SMP, section titled Special enforcement standards, it appears the USACE is trying to expand upon the legal remedies stated in the governing acts above to include the potential unauthorized taking of personal property. While not exact, this appears to be similar to the current lawsuit ongoing in the state of Texas, city of Houston regarding the USACE's actions related to the raising of the dam heights of the Addicks and Barker reservoirs and subsequent flooding of private property caused by the USACE's actions related to the operation of the Addicks and Barker reservoirs during Hurricane Harvey. This flooding was due to the USACE's decision not to purchase the additional property necessary to house the water resulting from the increased dam heights.

While I appreciate the USACE's desire to implement procedures which maintain the appearance and enjoy ability of Table Rock Lake, I do not believe the taking of personal property would be upheld in court and the legal fees incurred by the USACE could result in the redeployment of assets meant to enhance the beauty and enjoyment of Table Rock Lake.

I suggest the committee recommend the Little Rock District Commander consider requesting an update to Title 36 allowing for monetary penalties up to but not to exceed the current market value of the property of the permittee as determined by publicly available sources such as Zillow.

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Required Information

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Comments

My name is Charyl E. Soyland. I am a Real Estate Broker and I am also the President of the Forsyth Area Chamber of Commerce. I am very excited about the growth and opportunity in our area. This area is becoming more active and we are developing a plan for growth in Eastern Taney county. We need to better understand how the core works for our community. We would love for someone to come speak at our April or May Luncheon. We would like for you to speak to us about Lake Taneycomo and Bull Shoals Lake.

Some of the questions we would like to know:

What are the future plans for this area?

Dock permits for this area?

Why was this area chosen to be the reservoir when flooding occurs.

Is it possible to install a boat ramp that the people could use even in the highest levels of flooding?

Are there any programs that this area could apply for because of the economic devastation occurring during flooding?

We re also starting an environmental group to clean up our lakes area. We would like to know who is responsible for tickets polluters? Is there such a thing?

We want to become an asset to the core and bring awareness and real information to the people of Eastern Taney COunty.

Thank you,
Charyl E. Soyland

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Required Information

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Comments

I've lived around Table Rock Lake for over 20 years and appreciate all the effort and accomplishments the Corp. has advocated and worked on. I currently own property that adjoins the

Corp. take line and have had many good interactions with both officers and the duty ranger over the years. I have some concerns and comments that I would like to share, relative to the proposed SMP.

1. There probably should be a maximum activity level growth, but I don't feel that it should be the CORPS sole decision for that number or event to occur.
2. I feel that the marinas do a good job managing docks and maintaining them.
3. I believe the current vegetation plan is a good working process and the only change I might like to see would be the definition of 4" diameter cedars at ground level would be allowed to be cut on the approved vegetation outline area.

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Required Information

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Comments

My family and I own all of the property that is contiguous to all of the red zone areas (41, 41.5, and permit 7262- new zone area). I would like to move the red zone at point 41 to join the east side of

the red zone at permit 7262. In addition I would like to move 41.5 to the east side of permit 7262 to allow room for all 3 docks to locate on the same side of peninsula.

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Required Information

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Comments

I am requesting to move the red line zone that is on National Forest Property at point 73.5 that will not be used by them , across the cove to DD Hwy side at point across from Lancelot Lane .

Jay Steed

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Required Information

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Comments

Concerning LOP, how are guests with disabilities handled. For example, we have a guest who does not own property on the lake, but has a qualifying disability, do they need to submit form through LOP process?

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