

Shoreline Use Program

Shoreline Management Plan

Pomme de Terre Lake

1. Authority: The authority for the preparation of the Shoreline Management Plan is contained in Title 36, Code of Federal Regulations, Section 327.30 dated July 27, 1990 and ER 1130-2-406 dated May 28, 1999.

2. Purpose: The purpose of the Shoreline Management Plan is to establish policy; provide guidance for the management and protection of the shoreline; establish and maintain acceptable fish and wildlife habitats; maintain aesthetic quality and natural environmental conditions; promote the safe, healthful use of the shoreline for recreational purposes; and achieve a balance between permitted private use and resource protection for general public use. Factors used in formulating the Shoreline Management Plan included:

- a. Accommodating the increasing demand for water oriented recreational facilities while limiting the amount of shoreline designated for that purpose.
- b. Efficiency in administration of all components of the Shoreline Management Plan.
- c. Limiting the proliferation of individually owned private boat docks by providing for the expansion of marina boat storage through satellite concession operations. Community docks may also be a viable alternative in those instances or at those locations where satellite concession docks are not practical.
- d. The ownership of property adjoining Pomme de Terre Project land does not convey any special rights or privileges to use government property.
- e. The Shoreline Management Plan should not create an undue hardship on individual or private industries dependent upon private recreation facilities.
- f. Private floating facilities should be designed, constructed, and maintained so that they are structurally sound and do not pose a threat to the recreating public, project resources, or aesthetics.
- g. Vegetative modification of project land should be closely controlled to limit infringement upon natural resources and wildlife habitat management programs.

3. Shoreline Allocations: The entire shoreline of Pomme de Terre Lake has been allocated according to the following classifications:

a. Limited Development Areas: These are areas where private exclusive use facilities and/or activities may be permitted consistent with rules and regulations in paragraph number five of this plan. Vegetation modification will be permitted only after due consideration of the effects of such activities on environmental and physical characteristics of the area.

b. Public Recreation Areas: Public recreation areas are those areas designated for commercial

concessionaire facilities, federal, state, or other similar public use. No private shoreline use facilities and/or activities will be permitted within or near designated or developed public recreation areas. The term "near" depends upon the terrain, road systems, and other local conditions. An adequate buffer area will be maintained to protect commercial concession operations from invasion by private exclusive use. Individuals in these areas do not permit modification of landforms or vegetative characteristics.

c. Protected Shoreline Areas: Protected shoreline areas are those areas designated to maintain or restore aesthetics, fish and wildlife, cultural, or other environmental values. Shorelines may also be designated to prevent development in areas that are subject to excessive siltation, erosion, rapid dewatering, or exposure to high wind, wave or current action, and/or in areas in which development would interfere with navigation. Shoreline Use Permits will not be issued for floating or fixed recreation facilities in protected areas. Some modification of vegetation by private individuals such as clearing a narrow meandering path to the water or limited mowing may be authorized by issuance of a Shoreline Use Permit. Such mowing may be permitted only after the resource manager determines that the activity will not adversely impact the environmental or physical characteristics for which the area was designated or protected. The affect on water quality will also be considered in making this determination.

d. Prohibited Access Areas: These shoreline areas are allocated for protection of ecosystems or the physical safety of the recreation visitors. Examples of such areas are unique fish spawning beds, hazardous locations, and areas located near dams and spillways. Mooring of private floating facilities and modification of landforms and vegetative communities are not permitted in these areas.

4. Permit Requirements: All floating structures and vegetative modification on project land must be authorized by a shoreline use permit. Permits will be issued for periods of five years. Applicable shoreline use fees are referenced in paragraphs 6.a. (3) and 6.b. (4). Permits will be issued to an individual or an organization with legal access to the shoreline. Ownership in more than one dock or more than 2 stalls in any single dock by an individual or family unit is prohibited.

5. Rules, Regulations, and Policy: Shoreline Use Permit conditions as established by Title 36, Code of Federal Regulation, Section 327.30 govern permitted shoreline use at civil works projects. Specific rules and policies have been developed to further define and provide guidance for administering shoreline use at Pomme de Terre Lake. These guidelines for administering private floating facilities and vegetation modification are as follows:

a. Private Floating Facilities:

(1) Dock mooring sites will be assigned on a first come, first serve basis and only within limited development areas. The space requirement for a boat dock is considered to be the width of the dock plus ten feet on either side. A limited development area will be considered full when the total space required for all boat docks in the zone exceeds 50 percent of the total linear footage of the zone, at that point no additional permits will be issued.

Historically, requests for dock expansion has been approved where there was adequate room on each side of the dock (minimum of 20' between docks) for the proposed expansion. At any time the total linear footage of the zone reaches 100% utilization (width of docks plus 10' on each side) no net expansions of facilities will be allowed. Dock zone and capacity information is provided in Appendix C.

(2) Permits for private boat docks will be issued only when the owner files a permanent address and telephone number with the project manager at which he may be reached in case of emergency.

(3) Permit applicants shall, prior to the start of construction, submit plans and specifications of the proposed facility for approval. Engineering details, structural design, anchorage method, construction materials, and type and size of the facility must be included. All plans submitted must have been reviewed, stamped, and signed by a professional engineer certifying the proposed dock will meet or exceed established minimum design and load requirements as established by the National Water Safety Congress and Industry Standards.

(4) All private floating recreation facilities will be constructed in accordance with approved plans and specifications.

(5) Existing docks will be spaced so as to be no closer together than 20 feet at normal pool elevation of 839' msl. Greater spacing may be required based upon dock design or other factors.

(6) No private floating facility will exceed the size required to moor the owner's boat or boats plus a reasonable amount of space for a storage locker, swim deck, or other uses essential to the operation of watercraft or water based recreation. Expansion shall be limited to a two bay dock except if two or more dock permit holders request to merge, then consideration will be given to allow expansion beyond the two bay limit.

(7) The use of boat mooring facilities will be limited to the mooring of boats and the storage of gear essential to the operation of watercraft. Storage of flammable and other hazardous substances will not be permitted.

(8) Private floating facilities shall not be used for human habitation. The installation of sleeping accommodations, cooking facilities, heating facilities, toilet and shower facilities, refrigeration, television, and other items conducive to human habitation on private recreation facilities is prohibited.

(9) Private floating facilities shall be securely anchored to the shore by means of moorings, which do not obstruct the free use of the shoreline or unduly damage vegetation. At no time will floating facilities be anchored to vegetation, live or dead.

(10) All private floating recreation facilities will be placed so as not to interfere with navigation.

(11) All construction of new or replacement private floating facilities must be completed within six months from the date of permit issuance. The permittee must notify project office personnel upon completion of construction.

(12) Each permittee will post two permit tags on the permitted facility. The project office will provide these tags. The tags will be displayed so that they can be visually checked from the shore or by boat.

(13) The Operations Manager, acting as the District Engineer's representative, is authorized to place special conditions on the permit as deemed necessary.

(14) Floats and the flotation material for all docks and boat mooring buoys shall be fabricated of materials manufactured for marine use. The float and its flotation material shall be 100% warranted for a minimum of 8 years against sinking, becoming waterlogged, cracking, peeling, fragmenting, or losing beads. All floats shall resist puncture and penetration and shall not be subject to damage by animals under normal conditions for the area. All floats and the flotation material used in them shall be fire resistant. Any float, which is within 40 feet of a line carrying fuel, shall be 100% impervious to water and fuel. The use of new or recycled plastic or metal or non-compartmentalized air containers for encasement or floats is prohibited. Existing floats are authorized until it or its flotation material is no longer serviceable, at which time it shall be replaced with a float that meets the conditions listed above. For any floats installed after the effective date of this specification, repair or replacement shall be required when it or its flotation material no longer performs its

designated function or it fails to meet the specifications for which it was originally warranted. (Source- ER 1130-2-406)

(15) A permittee who is not a full-time resident of the lake area must submit a dock surveillance plan signed by a lake area resident who is willing to watch and/or maintain the permitted facility on a daily basis during the absence of the permittee.

(16) A complete on site inspection of all floating facilities under permit will be made at least annually or on a regular basis. Owners of those facilities, which fail the initial inspection, will be notified by letter and instructed to correct all deficiencies within a prescribed time period. Follow-up inspections and notifications will be made as necessary. Inspection procedures are outlined in paragraph number seven. Typical correspondence used in the inspection process is provided in Appendix C.

(17) Permits will become null and void upon the sale or other transfer of ownership of the permitted facility, or death of the permittee. The permit may be terminated if the conditions of the permit are not met.

(18) Any facility which is not removed when required by permit conditions or when requested after revocation of the permit will be treated as an unauthorized structure pursuant to Title 36, Chapter III, Part 327.20, of the Code of Federal Regulations.

(19) Properly permitted boat docks, which were in areas classified as Protected Lakeshore, Prohibited Access, or Public Recreation at the time of implementation of the Shoreline Management Plan, may remain at their original mooring locations as long as permits are kept current and the facilities are properly maintained. Repairs may be made to these grandfathered docks as necessary to maintain their usefulness and safety. A grandfathered dock may be replaced with a new one when repairs to the old dock are impractical. The replacement dock shall be a maximum of 120% of the original design. The overall size of the dock will be calculated in square feet by utilizing the outside dimensions of the dock, including stall space. The Operations Manager will consider alterations in design on a case-by-case basis. Mooring sites previously occupied by grandfathered docks will be permanently vacated upon voluntary permit termination or revocation and the subsequent removal of such grandfathered docks.

(20) All electrical service to and wiring on private floating facilities must meet the requirements of the National Electrical Code. Prior to submission for final approval, plans for electrical service to and on private boat docks must be previously reviewed by a professional registered electrical engineer and certified that all requirements of the National Electrical Code will be met. All existing wiring on private floating facilities must be in compliance with the National Electrical Code or be removed. Electrical service to docks may be authorized through the Minor Real Estate Outgrant program and attached to the existing Shoreline Use Permit.

(21) Requests for replacement or enlargement of existing floating facilities within Limited Development Areas will be handled on a case-by-case basis. All docks will be required to maintain a minimum of 20 feet between docks after enlargement. Dock owners are encouraged to work with neighboring dock owners to facilitate combining permits into single community docks where possible. Ownership in more than one dock or more than 2 stalls in any single dock by an individual or family unit is prohibited. Where feasible an individual dock may be required to relocate to allow for combining two or more docks into a community dock.

(22) In situations where it is necessary to access the shoreline with equipment to repair a dock or anchoring system the permittee must request a work permit. The Project Office will issue a Work Permit for a specific activity. Any damage to the shoreline or vegetation must be repaired or offset by the permittee.

b. Vegetative Modification:

(1) No material, rock formation or deposits, trees, shrubs, or other desirable vegetation may be removed or modified on lands classified as Public Recreation or Prohibited Access Areas.

(2) Modification of vegetation by individuals in Protected and Limited Development Areas will be permitted only after due consideration of the effects of such action on the environmental and physical characteristics of the area.

(3) Each permittee will post a permit tag on the permitted site at the project boundary line. This tag will be furnished by the Corps of Engineers and will indicate the type of authorized activity using the code: F = firebreak, M = mowing, P = pathway, FP = firebreak with pathway, MP = mowing with pathway, and BLM = boundary line maintenance. An assigned permit number will follow the activity code on each tag.

(4) Vegetative modification permits will be issued for five-year terms. The five-year term will be computed to include all or part of the current mowing season plus four more. A ten-dollar administrative charge will be assessed for each permit issued except for BLM permits, which is issued at no charge. A new permit is required upon change of ownership of private property adjacent to the permit area or in any situation in which a permittee relinquishes responsibility for a permit and another individual assumes maintenance responsibilities for the subject area.

(5) Where past written commitments have not been made, all requests for shoreline use permits for vegetative modification will be issued and administered in accordance with the following:

(a) Firebreak: Firebreaks may be authorized up to a maximum of 75 feet from a habitable structure. The project manager is authorized to deviate from this maximum when unusual circumstances exist. No trees with stump width of two inches in diameter or larger may be removed. Removal of native ornamental trees or shrubs is prohibited regardless of their size. Dead and diseased trees or low hanging limbs, which are a safety hazard, may be removed with permission of the project manager.

(b) Pathway: A four foot wide path may be established and maintained across project land from private property to the water's edge if authorized by a Shoreline Use Permit. Woody vegetation with stump width less than 2 inches in diameter may be removed. The path must meander across project land to lessen the potential for erosion. No steps, improvements, or changes in landform other than those provided for in the permit are allowed. Shoreline Use Permits for access pathways will be issued for five-year terms with a ten-dollar administrative fee assessed. Pathways are authorized for pedestrian access only, motorized vehicles are prohibited from all pathways.

(c) Mowing To Facilitate Private Dock Maintenance: Mowing is allowed up to 25 feet from the water's edge surrounding a private dock to facilitate maintenance of the dock's walkway and anchors. Such maintenance areas will be established by measuring a 25-foot radius from a point where the centerline of the dock's walkway intersects with the 839' msl contour. No vegetation larger than 2" stump width may be removed. Dead trees and limbs may be removed upon approval by the Project Manager.

(d) Boundary Line Maintenance: A letter permit that authorizes the mowing or clearing of project lands up to a maximum of 6' from the boundary line. Vegetation up to 2" in stump width may be removed; removal of native ornamental trees and shrubs is prohibited regardless of size. There is no fee for a boundary line maintenance permit.

(6) Mowing Permits: Written commitments for mowing in excess of firebreak and pathway permit limitation, which were made prior to the implementation of the Shoreline Management Plan, will be honored as long as permits are kept current and permittees remain in compliance with permit conditions. All mowing permits are grandfathered and no additional permits for mowing and maintenance of government land

beyond the limits allowed by a firebreak and/or pathway permit will be issued. Expansion of the permit area of any mowing permit will not be allowed. Voluntary reduction of the amount of area being mowed under a mowing permit may be made by the permittee. Any such area surrendered may not be reincorporated into the permit limits at a later date. Mowing permits voluntarily relinquished will be permanently voided and any subsequent mowing and maintenance of government land at such sites must conform to the requirements and limitations of the firebreak and/or pathway permits. Shoreline Use Permits for vegetative modification must be renewed within 90 days after expiration of the previous permit term. Grandfathered mowing permits, which are not renewed within this time period, will be permanently voided. Mowing and maintenance of project land previously authorized by an expired grandfathered mowing permit must be discontinued. Subsequent mowing and maintenance of project land at such sites may be accomplished only within the limits of a firebreak and/or pathway permit.

(7) Vegetative modification of project land may be accomplished by chemical means. The project manager must previously approve all chemicals used to control or modify vegetation on project lands. Chemical application will be in accordance with all federal, state, and local regulations and within strict compliance with label instructions. All chemical usage will be reported to the project manager as prescribed.

(8) Boundary Delineation: Delineation of the project boundary line is required in all areas where firebreak or mowing permits have been issued. Delineation of the property line will be accomplished at the permittee's expense on his/her side of the boundary line paralleling the line and no more than two feet from the line at any point. Acceptable delineation could be a fence or wall of treated wood, metal, or stone; a hedge or suitable shrubbery; or any other means previously approved by the project manager which visibly and physically acts as a boundary. Applications for vegetation modification should provide a description of the boundary delineation type for the project manager's approval.

(9) On site inspections of permitted vegetation modification will be conducted randomly or as necessary for permit renewal. Correspondence used in the inspection and permit renewal processes is included in Appendix C.

(10) Any person or persons found removing or altering vegetation or natural features without a Shoreline Use Permit will be subject to a citation pursuant to Title 36, Chapter III, Section 327.14 of the Code of Federal Regulations.

c. Shoreline Access:

(1) All roads, parking areas, turnarounds, boat launching ramps, and improved pathways on government land that are not constructed by the Corps of Engineers must be covered by a lease, license, Shoreline Use Permit, or other legal grant issued by the U.S. Army Corps of Engineers.

(2) Request for access roads or walkways will be evaluated on a case-by-case basis. The project manager or his designated representative will make a field inspection to determine if need for the requested improvement exists. Issuance of a license will be determined by the number of existing access points within a reasonable distance to the site, and the amount of environmental degradation that might occur. The project office will forward its recommendations to the Kansas City District Office for review, final determination, and action as necessary.

(3) Any road or improved walkway or path not covered by a real estate instrument or Shoreline Use Permit, will be closed and restored as nearly as possible to its original condition.

d. Encroachment Detection and Resolution: Sections of the project boundary will be inspected each year for the purpose of detecting and documenting any unauthorized activities on project land. All encroachments noted will be resolved by removal of the encroaching items, discontinuance of the unauthorized activity or providing appropriate after the fact authorization if warranted.

6. Application Procedure:

a. Private Floating Facilities:

(1) Office Interview: All prospective permittees are encouraged to visit the project office to discuss shoreline zoning, available mooring sites, construction requirements, time limitations, and inspection processes.

(2) Permit Application: An application for a shoreline use permit must be completed and signed by the applicant (if a suitable mooring site is available). The permit is issued at this time if the applicant and all other owners do not currently own any portion of an existing boat dock on Pomme de Terre Lake and all other requirements are met. A list of all proposed co-owners, if any, must be provided along with the completed Shoreline Use Permit application. An inspection of the proposed mooring site may be required if unusual circumstances exist or spacing limitations need to be determined (i.e. shoreline conditions, submerged timber, distance between docks, etc.).

(3) Shoreline Use Permit Fee and Permit Term: A shoreline use permit fee of thirty-five dollars must be paid to cover administrative charges and annual inspection fees. Permits are issued for five-year terms and are non-transferable and non-refundable.

(4) Surveillance Plan: A dock surveillance plan is required for all permittees who are not full-time residents of the immediate lake area. The permittee must designate a lake area resident that is willing to watch the permitted facility during the permittee's absence. The individual must be willing to provide daily surveillance of the permitted facility and notify the permittee, or personally make any needed repairs or mooring adjustments. Such surveillance is necessary to prevent docks from being damaged, causing damage to any other property, or becoming navigational hazards.

(5) Construction Plans: Specifications and detailed, scaled construction plans for proposed boat docks must be submitted to the project office within 60 days of permit issuance. All plans submitted for approval must have been previously reviewed and signed by a professional registered engineer certifying that the design loads as established by the National Water Safety Congress and industry standards are met or exceeded. (Shown below)

Deck loads	50 lbs. per square foot
Approach walkways	50 lbs. per square foot
Wind loads	20 lbs. per square foot
Roof loads	20 lbs. per square foot

Plans must be submitted and approved prior to any construction activity. Failure to submit plans within the prescribed 60 days will result in permit revocation.

(6) Authorization of Construction: Authorization for dock construction will be given by letter from the project office only after proper submission of construction plans and other required documents.

(7) Construction Time Limit: All dock construction must be completed within six months from the date of the authorization letter. The permittee must notify the project office upon completion of construction so that an inspection of construction may be performed. A dock permit may be terminated if construction is not completed within the assigned time limit.

(8) Construction Inspection: Project personnel will inspect the construction of newly completed boat docks to determine compliance with approved dock plans. Correction of any deficiencies, deviations, or

omissions will be required.

(9) **Application Procedure Checklist:** An application procedure checklist is provided to each dock applicant to assist in the proper submission of plans and documents. A copy of this checklist is also maintained in each permittee's file at the project office to monitor the progress of new dock requests.

(10) **Alteration of Existing Boat Docks:** Construction of replacement boat docks or the modification of or addition to any existing boat dock must be approved by the project office prior to any work being performed. Professional engineer certified plans as described in paragraph number 6.a. (5) above are required prior to approval being granted for dock alteration.

b. Vegetative Modification:

(1) **Office Interview:** All applicants for vegetative modification of project land are encouraged to visit the project office to discuss shoreline management regulations and policies. Only applications for shoreline use permits for firebreaks and/or pathways, and boundary line maintenance will be accepted. Requests for mowing or maintenance of project land beyond the limits of a firebreak or pathway permit will not be considered.

(2) **Application For Shoreline Use:** An application for shoreline use for either a firebreak and/or pathway, or boundary line maintenance permit will be initiated during the office interview. Issuance of the permit will be held in abeyance until project personnel can schedule an on site inspection to determine eligibility.

(3) **On Site Inspection:** An on site inspection will be scheduled by a project ranger to determine eligibility for a firebreak and/or pathway or boundary line maintenance permit. Limits of any approved vegetative modification will be marked. The ranger will prepare a sketch, which is used as an attachment to the shoreline use permit.

(4) **Shoreline Use Permit Fee and Permit Term:** A ten-dollar shoreline use permit fee is assessed to cover administrative charges associated with issuance of the permit. Permits are issued for five-year terms and are non-transferable and non-refundable. There is no fee for boundary line maintenance permits.

(5) **Boundary Line Delineation:** Delineation of the project boundary line is required for each firebreak permit issued. The project manager must previously approve any proposed method of delineation. The installation and maintenance of delineation is a requirement of the Shoreline Use Permit conditions.

7. Inspections and Permit Renewal:

a. Private Floating Facilities: All permitted private boat docks will be inspected at least once annually to determine compliance with permit conditions. Initial inspection will be conducted on or about April 1st of each year if weather conditions and lake elevation are near normal. Follow-up inspections, if required, will be conducted as necessary on a monthly basis until July 1st. Permit revocation and dock removal proceedings will be initiated for those docks with noted deficiencies that remain after this 90-day period. Shoreline use permits for private boat docks, which are due to expire, will not be renewed until all deficiencies are corrected. Action will be taken to secure compliance or removal of all such docks for which permits were not renewed due to uncorrected deficiencies.

b. Vegetative Modification: Random inspections of all shoreline use permits for vegetative modification of project land will be made to determine compliance with permit conditions. Permit areas of those permits due to expire at the end of a calendar year will be inspected at least 90 days in advance of the date

of permit expiration. Permittees will be notified of any need for corrective action and proper permit renewal procedure. All permits are due for renewal upon expiration of the previous term. Grandfathered mowing permits, which are not renewed within 90 days of expiration of the previous permit term, will be permanently voided.

8. Related Programs: Some forms of shoreline use, which are authorized by real estate outgrants, are closely related to and are influenced by the Shoreline Management Plan. Two significant related programs are:

a. Limited Motel/Resort Lease: This real estate outgrant, which was adopted for use at Pomme de Terre Lake in 1991, allows adjacent motel or resort operators to conduct certain activities and provide certain services to the bona fide overnight guests of their resorts on project land within described lease areas. Authorized activities and services include mowing and maintenance of project land, placement and use of floating boat docks, installation and maintenance of electrical service for docks, rental of fishing boats, and use and maintenance of lake access roads, turnarounds, and parking areas. All existing and future limited motel/resort leases must be contained within Limited Development areas as defined by the Shoreline Management Plan. Requests for new leases will not be considered outside the confines of an area zoned for the placement of boat docks.

b. Satellite Concessions: This proposed program would allow for the placement of commercial floating boat storage docks at locations remote from existing marina leaseholds to accommodate boat storage needs of adjacent property owners and other area residents. Satellite floating boat storage may provide a reasonable alternative to the proliferation of individually owned private boat docks. Placement of satellite concession boat storage docks will not be limited by the zoning of the Shoreline Management Plan since such facilities are geared to serving the needs of the general public as opposed to a select group of individuals. Each request for remote boat storage operations will be evaluated individually based upon need, access, physical characteristics of the proposed mooring site(s), area use, and financial capability of the concessionaire.

c. **Minor Real Estate Outgrants**

- (1) *Certain Minor Real Estate Outgrants (improved pathways, stairs/steps, electric lines, utility-communication lines etc.) will be authorized through a Shoreline Use Permit*
- (2) *Where two or more facilities are authorized they will be combined into one permit with a common expiration date.*
- (3) *Minor RE Outgrants will be attached to an existing Shoreline Use Permit where applicable and pro-rated so that a common expiration date is achieved. Fees will be assessed according to the following table:*

<i>Boat Dock</i>	<i>\$35.00</i>
<i>Vegetative Modification</i>	<i>\$10.00</i>
<i>Erosion Control Structure</i>	<i>No Fee</i>
<i>Handrails only</i>	<i>\$50.00</i>
<i>Improved Pathways, Steps or Walkways w w/o handrails</i>	<i>\$50.00</i>
<i>Above/underground water pipeline</i>	<i>\$50.00</i>

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

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

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

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

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

14. On all new docks and boat mooring buoys, floatation shall be of materials which will not become waterlogged (not over 1-1/2 percent by volume ASIM), is resistant to damage by animals, and will not sink or contaminate the water if punctured. No metal covered or injected drum floatation will be allowed. Foam bead floatation that is not subject to deterioration through loss of beads, meets the above criteria, and has a minimum density of 1.2 lb/cu ft is authorized. Foam bead floatation with a density of 1.2 lb/cu ft. but does not otherwise meet the above criteria is authorized provided it is encased in an approved protective coating which enables it to meet the specifications above. An approved coating is defined as warranted by the manufacturer for a period of at least eight years against cracking, peeling, sloughing and deterioration from ultra violet rays, while retaining its resiliency against ice and bumps by watercraft. Existing floatation will be authorized until it has severely deteriorated and is no longer serviceable or capable of supporting the structure, at which time it should be replaced with approved floatation.

15. Permitted facilities and activities are subject to periodic inspection by authorized Corps representatives. The resource manager will notify the permittee of any deficiencies and together establish a schedule for their correction. No deviation or changes from approved plans will be allowed without prior written approval of the resource manager.

16. Floating facilities shall be securely attached to the shore in accordance with the approved plans by means of mooring which do not obstruct general public use of the shoreline or adversely affect the natural terrain or vegetation. Anchoring to vegetation is prohibited.

17. The permit display tag shall be posted on the permitted facility and/or on the land areas covered by the permit so that it can be visually checked with ease in accordance with instructions provided by the resource manager.

18. No vegetation other than that prescribed in the permit will be damaged, destroyed or removed. No vegetation of any kind will be planted, other than that specifically prescribed in the permit.

19. No change in landform such a grading, excavation or filling is authorized by this permit.

20. This permit is non-transferable. Upon the sale or other transfer of the permitted facility or the death of the permittee and his/her legal spouse, this permit is null and void.

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