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DEPARTMENT OF THE ARMY
Office of the Chief of Engineers
Washington, D.C. 20315

ER 1130-2-333

ENGCW-OM

Regulation
No. 1130-2-333

24 February 1969

PROJECT OPERATION

Authority for Certain Private Floating Recreation
Facilities on Civil Works Projects

1. Purpose and Scope. This regulation provides guidance to Division and District Engineers to assure, within a reasonable time, uniform procedures for granting or denying permits for the installation and maintenance of certain private floating recreation facilities on the waters or shores of Civil Works water resource projects. This regulation does not pertain to yacht clubs, sailing clubs, or other organizations which are covered by other grants or to permits for boats.

2. References.

a. EM 1130-2-302.

b. ER 1165-2-2.

c. ER 405-1-830.

d. ER 1145-2-303.

e. Title 36, Chapter III, Code of Federal Regulations.

f. 65 Stat. 290; 5 U.S.C. 140 and BOB Circular No. A025, 23 September 1959. *amended 22 Oct 63.*

g. Section 210, Public Law 483, 90th Congress.

h. EC 405-2-11.

3. General.

a. Decisions regarding the granting of permits for private floating recreation facilities must be made in considered relationship to the operating objectives and physical characteristics of each project. In every case, however, the foremost objective is to secure maximum storage of boats and related equipment at commercial concession areas. Through direction of the boat-owning public to such areas, the Corps strives to minimize the number of shoreline developments which could prove aesthetically distracting.

b. Revocable, privileged permits for private docks and for off-shore mooring buoys, either individually or community-owned, will be

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages ▶

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NSN 7540-01-317-7368		5099-101 GENERAL SERVICES ADMINISTRATION	

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granted when the sites are remote from commercial marine services and the granting of such permits will not despoil the shoreline nor inhibit the public use or enjoyment thereof. District Engineers will insure that private floating recreation facilities will be located in areas that do not presently enjoy reasonable access to commercial marine services and that, insofar as practicable, the installation and use of such facilities will not be in conflict with the preservation of the natural characteristics of the reservoir or shoreline. Project managers will continuously monitor the number and nature of permits with a view towards timely, feasible establishment of additional commercial storage areas in lieu of continuing dispersed private facilities. However, in accordance with reference 2g, and the Congressional Committee Report thereon, no annual charges will be imposed for private recreation facilities on the water areas of Corps projects.

c. Revocable permits will be granted without charge for ski jumps, floats, duck blinds and other private floating recreation facilities, where such facilities will not inhibit the public use or enjoyment of the project waters or shoreline, or conflict with reference 2e. Permits will not be granted for private floating recreation facilities at existing or potential public recreation areas.

4. Applications for Permits.

a. Applications for any private waterfront recreation facilities made to District Engineers or their designated Reservoir Managers will be reviewed with full consideration of the policies set forth in the previous paragraph, referenced regulations and the Master Plan. Applicants for a permit will, prior to start of construction, submit for approval plans of the facility proposed, to include the type, size, location and ownership of the facility, the expected duration of the use and an indication of willingness to abide by the Rules and Regulations and the conditions of the permit.

b. Permits will be issued in accordance with ENG Form 4264-R (attached) for periods of 1 to 5 years but revocable whenever the requirements of the Corps necessitate or the permittee fails to comply with conditions of the permit or of this regulation. Permits for duck blinds and ice fishing houses will be issued for one year only.

c. Effective on the receipt of this regulation, the following will guide the issuance of this type of permit:

(1) The use of boat mooring facilities will be limited to the mooring of boats and the storage of gear essential to the operation of the watercraft.

(2) The installation of sleeping accommodations, cooking facilities, heating facilities, toilet and shower facilities, refrigeration,

television and other items conducive to human habitation in the floating facilities is prohibited. Private floating recreation facilities shall not be used for human habitation in accordance with reference 2e.

(3) No private floating dock will exceed the minimum size required to moor the owner's boat or boats plus the minimum size required for an inclosed locker for the storage of oars, life preservers and other items essential to the operation of the watercraft.

(4) All private floating recreation facilities will be constructed in accordance with plans and specifications approved by the District Engineer or his authorized representative.

(5) The size of all structures will be kept to a minimum to limit encroachment on the water surface.

(6) The same provisions regarding the issuance of permits for individual docks will also apply to non-commercial community docks which are authorized in lieu of individual docks.

(7) All docks shall be securely anchored to the shore by means of moorings which do not obstruct the free use of the shoreline.

(8) Boat mooring buoys and flotation units of floating facilities shall be constructed of material which will not become waterlogged or sink when punctured.

(9) The color and marking of all boat mooring buoys will conform to the Uniform State Waterway Marking System, and the top of the buoy will be no less than eighteen inches above the water line.

(10) All private floating recreation facilities will be placed so as not to interfere with navigation in accordance with reference 2d.

(11) Permits for boat docks and boat mooring facilities will be issued only for the location designated as the "homeport" anchorage site for boats not in use.

(12) Permits for private boat docks or boathouses and mooring facilities will be issued only when supervision by the owner or his authorized representative will be provided on a 24 hour basis in accordance with reference 2a.

5. Removal of Facilities. The facilities of permittees which are not removed when specified in the permit or when requested after revocation of the permit will be treated as abandoned personal property pursuant to Title 36, Chapter III of the Code of Federal Regulations.

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6. Existing Facilities now under Permit. It is recognized that there are in existence many private floating facilities currently under permit which do not conform to the above regulations. Division and District Engineers will endeavor to phase out these facilities in a reasonable time and will not permit any modifications thereto not consistent with this regulation.

* 7. (Rescinded)

8. Posting of Permit Number. Each District will procure 5" x 8" printed permit tags (Appendix II) for posting on the floating facilities. The permit tags will be fabricated of either light metal or paper. Where display permits are printed on paper, they will be sealed in plastic to make them weatherproof after the permit number and the expiration date have been affixed thereon. The original of the completed application-permit (Appendix I) is to be in the possession of the permittee. The duplicate of this form will be retained in the Reservoir Manager's office. The permit numbers will be consecutive for each project beginning with number 001. The District Engineer is authorized to include letters in the permit number for further identification as an aid to project management. The permittee will be required to display the printed permit tag so that it can be visually checked with ease.

FOR THE CHIEF OF ENGINEERS:



RICHARD F. McADOO
Colonel, Corps of Engineers
Executive

2 Appendices:

- I. Application-Permit for
Private Floating Facility
- II. Permit Tag to be posted on
Private Floating Facility

CONDITIONS OF PERMITTING
RECREATION

Applicant understands and agrees that this permit conveys no property rights, either in real estate or otherwise. The assent of the Federal Government is merely given to the mooring of a floating recreation facility by the permittee at the place designated.

Permittee agrees to the following conditions:

1. That the United States shall not be held responsible for any damage to property or injuries to persons which may involve the facility authorized in this permit.

2. That no dock or boathouse is to be used for human habitation. Household furnishings are not permitted on boat docks or boathouses.

3. That no houseboat, cabin cruiser or other vessel shall be used for human habitation at a fixed or permanent mooring point.

4. That no charge may be made for use by others nor commercial activity be engaged in thereon.

5. That the size of all structures will be kept to a minimum to limit encroachment on the water surface.

6. That boat mooring buoys and flotation units of floating facilities shall be constructed of materials which will not become waterlogged or sink when punctured.

7. That floating structures are subject to periodic inspection by the Corps rangers. If an inspection reveals conditions which make the facility unsafe in any way or conditions which deviate from the approved plans, such conditions will be corrected immediately by the owner upon receipt of notification. No deviation or changes from approved plans will be permitted without prior written approval of the Reservoir Manager.

8. That the dock shall be securely anchored to the shore by means of moorings which do not obstruct the free use of the shoreline.

9. That the display permit tag provided shall be posted on the floating facility so that it can be visually checked with ease in accordance with instructions of the Reservoir Manager.

10. That, by written notice, this permit may be revoked by the District Engineer having jurisdiction over the Reservoir Project. Failure to comply with any of the conditions of this permit shall be cause for revocation.

PERMIT
01234

EXPIRES 30 NOV. 1970



U.S. ARMY
CORPS OF ENGINEERS