

Regulation
No. 1130-2-406

13 December 1974

Project Operation
LAKESHORE MANAGEMENT AT CIVIL WORKS PROJECTSTable of Contents

<u>Subject</u>	<u>Paragraph</u>	<u>Page</u>
Purpose	1	1
Applicability	2	1
References	3	1
Policy	4	1
Lakeshore Management Plan	5	2
General	5a	2
Preparation	5b	2
Scope and Format	5c	3
Lakeshore Allocation	5d	3
Public Participation	5e	4
Instruments for Private Exclusive Use	6	4
Lakeshore Use Permit	6a	4
Department of Army Permits	6b	5
Real Estate Instruments	6c	5
Transfer of Permits	7	5
Existing Facilities Now Under Permit	8	5
Density of Development	9	5
Administration Charge	10	6
Compliance	11	6

Appendix A - Guidance for Granting Permits for Private Floating Recreation
Facilities

Appendix B - Application for Lakeshore Use Permit

Appendix C - Lakeshore Use Permit Conditions

Appendix D - Permit (Sample)

This regulation supersedes ER 1130-2-333 dated 24 Feb 69

1. Purpose. The purpose of this regulation is to provide policy and guidance on the protection of desirable environmental characteristics of Civil Works lake projects and restoration of shorelines where degradation has occurred through private exclusive use.

2. Applicability. This regulation is applicable to all field operating agencies with Civil Works responsibilities. This regulation is not applicable to lake project lands when such application would result in an impingement upon existing Indian rights.

3. References.

- a. Section 4, 1944 Flood Control Act, as amended, P.L. 87-874.
- b. The Act of 31 August 1951 (31 USC 483a).
- c. The National Environmental Policy Act of 1969, P.L. 91-190.
- d. The Federal Water Pollution Control Act of 1972 (FWPCA).
- e. Title 36, Chapter III, Part 327, Code of Federal Regulations, "Rules and Regulations Governing Public Use of Water Resource Development Projects Administered by the Chief of Engineers."
- f. Executive Order 11752.
- g. 33 CFR 209.120, "Permits for Work in Navigable Waters or Ocean Waters."

4. Policy.

a. It is the policy of the Chief of Engineers to manage and protect the shorelines of all lakes under its jurisdiction to properly establish and maintain acceptable fish and wildlife habitat, aesthetic quality and natural environmental conditions and to promote the safe and healthful use of these shorelines for recreational purposes by all of the American people. Ready access to and exit from these shorelines of the general public shall be provided in accordance with reference 3a. For projects where Corps real estate interest is limited to easement title only, management action will be appropriate to assure the safety of the public who use the lake waters. It is the objective of the Corps to manage private exclusive use of public property to the degree necessary to gain maximum benefits to the general public. Such action will consider all forms of benefits such as: recreation, aesthetics and fish and wildlife.

b. It is the policy of the Chief of Engineers that private exclusive use will not be permitted on new lakes or on lakes where no private facilities or uses exist as of the date of this regulation. Such use will be permitted only to honor any past commitments which have been made.

c. A Lakeshore Management Plan, as described below, will be prepared for each Corps lake project where private recreation facilities exist as of the date of this regulation. Discretion will be used in preparation of those plans to provide for protection of public lands and private investments and honor any past commitments which might have been made. For projects where two or more agencies have jurisdiction, the plan will be cooperatively prepared with the Corps assuming the role of coordinator. Public participation will be encouraged to the fullest extent in preparation and implementation of the Lakeshore Management Plans. A Lakeshore Management Plan will not be required for new lakes or at completed projects where no private facilities exist as of the date of this regulation. However, a statement of policy will be furnished by the District Engineer to the Division Engineer to present the lake project management condition.

d. Boat owners will be encouraged to moor their boats at commercial marinas, utilize dry storage facilities off project lands or trailer their boats to public launching ramps which are provided by the Corps at no charge.

e. When private floating boat moorage facilities are desired, community mooring facilities will be encouraged in an effort to reduce the proliferation of individual facilities. It is the policy to issue only one permit for a community boat mooring facility with one person designated as the permittee and responsible for all moorage spaces of the facility. If, for extenuating circumstances, this approach is not feasible the District Engineer is authorized to grant individual permits for individual moorage sections of the community moorage facility. The latter method is strongly discouraged.

5. Lakeshore Management Plan.

a. General. The policies outlined in paragraph 4 will be implemented by preparation of Lakeshore Management Plans as described below.

b. Preparation. For each project having limited development areas a Lakeshore Management Plan will be prepared as Appendix F to the Master Plan. Lakeshore Management Plans will be prepared as soon as practicable and, like the other Appendixes to the Master Plan, will be working management tools. Upon announcement of initiation of each specific Lakeshore Management Plan the District Engineer will declare a moratorium on accepting applications for permits until the plan is completed. Consideration should be given to preparing Lakeshore Management Plans during the period of least recreation activity and maximum effort will be devoted to early completion of the Lakeshore Management Plan, once the effort has begun. The objectives are to be able to inform individuals of decisions regarding lakeshore management at an early date and not create an undue hardship on private industries dependent upon private recreation facilities. Approval of this Appendix rests with the Division Engineer.

13 Dec 74

After approval, two copies of the Lakeshore Management Plan will be forwarded to HQDA (DAEN-CWO-R) WASH DC 20314.

c. Scope and Format. The Plan will consist of an area allocation map, related rules and regulations, a time-phase definitive objective plan for managing the lakeshore, descriptions of recreational waste management systems and sanitary facilities, and other information pertinent to the effective management of the lakeshore. Activities on land areas which affect the lakeshore, as well as activities on the water areas will be addressed in the Lakeshore Management Plan.

d. Lakeshore Allocation. As part of the Lakeshore Management Plan, the entire lakeshore of the project will be allocated within the allocation classification below and depicted on a map. In addition to the allocation classification described below, District Engineers are authorized to add specific constraints and identify areas having unique characteristics not identified herein.

(1) Limited Development Areas. Limited development areas are those areas where private exclusive use privileges and facilities may be permitted consistent with Appendix A and paragraph 8 of this section. When vegetation modification on these lands is accomplished by chemical means the program will be consistent with the current Federal regulations as to herbicide registration and application rates.

(2) Public Recreation Areas. On shorelines within or proximate to designated or developed recreation areas, private floating recreation facilities are not permitted. The extent of the term, proximate, will depend on the terrain, road system and similar factors. Commercial concessionaire facilities are permitted in these areas. An adequate buffer area within this allocation type will be established to protect the concession operation from invasion by private exclusive use facilities. Modification of land form or vegetative characteristics is not permitted by individuals in these areas.

(3) Protected Lakeshore Areas. Protected lakeshore areas are designated primarily to protect aesthetic, environmental, fish and wildlife values in accordance with the policies of the National Environmental Policy Act of 1969 (P.L. 91-190). Lakeshores may also be designated in this category for physical protection reasons, such as heavy siltation, rapid dewatering or exposure to high winds and currents. Land access and boating are permitted along these lakeshores, provided aesthetic, environmental and natural resource values are not damaged or destroyed, but no private floating recreation facilities may be moored in these areas. Modification of land form or vegetative communities by individuals in Protected Lakeshore Areas will be permitted only after due consideration of the effects of such action on environmental and physical characteristics of the area.

