

Regulation
No. 1130-2-406

13 December 1974

Project Operation
LAKESHORE MANAGEMENT AT CIVIL WORKS PROJECTSTable of Contents

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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.

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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.

(4) Prohibited Access Areas. These lakeshore areas are allocated for protection of ecosystems or the physical safety of the recreation visitors; for example, unique fish spawning beds, certain hazardous locations, and areas located near dams or spillways. Mooring of private floating recreation facilities and modification of land form and vegetative communities are not permitted in these areas.

e. Public Participation. District Engineers will insure that the public participates to the maximum practicable extent in the formulation and preparation of Lakeshore Management Plans and any subsequent major revisions. When master plan updates and preparation of the Lakeshore Management Plans are concurrent, the public meetings should be combined and consider all aspects, including the lakeshore allocation classifications. Maximum use will be made of news releases, public notices, congressional liaison and public meetings to encourage full public participation. Special care will be taken to advise local citizen organizations, conservation organizations, Federal, State and local natural resource management agencies and other concerned bodies as well as adjacent landowners during the formulation of Lakeshore Management Plans. Published notices shall be required on several successive weeks prior to public meetings to assure maximum public participation. Ample time shall be permitted for review and comment by concerned organizations and individuals. Public notices shall be issued by the District Engineer allowing a minimum of 30 days for receipt of public comment in regard to the proposed Lakeshore Management Plan or any major revision thereto.

6. Instruments for Private Exclusive Use. Criteria used to determine the type of instrument to be used for private exclusive use facilities or developments are as follows:

a. Lakeshore Use Permit. Lakeshore Use Permits are issued and enforced in accordance with provisions of Section 327.19, Chapter III, Title 36, Code of Federal Regulations, for private floating recreation facilities. Lakeshore Use Permits are issued for floating structures of any kind in waters of resource projects whether or not such waters are deemed navigable and where such waters are under the primary jurisdiction of the Secretary of the Army and under the management of a Corps of Engineers Resource Manager. On waters deemed non-navigable, Lakeshore Use Permits will be issued for non-floating structures when such waters are under management of a Corps Resource Manager. Lakeshore Use Permits are issued for vegetative modification activities on the land which do not involve in any way a disruption to or a change in land form. Situations which require a Real Estate instrument are covered in 6c, below.

b. Department of the Army Permits. Activities such as dredging, construction of fixed structures, including fills and combination fixed-floating structures and the discharge of dredged or fill material in navigation waters will be permitted under conditions specified in permits issued under authority of Section 10, River and Harbor Act of 3 March 1899 (33 USC 403) and Section 404 of the Federal Water Pollution Control Act (33 USC 1344) in accordance with reference 3g. Lakeshore Use Permits, paragraph a above, will not be used under these circumstances.

c. Real Estate Instruments. All commercial development activities and all activities by individuals which are not covered above and involve grade, cuts, fills, other changes in land form or appropriate land-based support facilities required for private floating facilities will be covered by a lease, license or other legal grant issued by the Real Estate Directorate.

7. Transfer of Permits. All Lakeshore Use Permits are non-transferrable. Upon sale or other transfer of the permitted facility or the death of the permittee the permit is null and void. The voided permit site if located in a Limited Development Area may become available for permit application by all members of the public for issuance in an impartial manner if consistent with the Lakeshore Management Plan.

8. Existing Facilities Now Under Permit. The schedule for implementation of the Lakeshore Management Plan shall be developed in full consideration of existing permitted exclusive use facilities, their residual value and the prior Corps commitment implicit in the issuance of the permits. Except under unusual circumstances, such facilities should in general remain under permit until replacement is required, or until death of the permittee, or until sale or cessation of use of the facility by him. In the instance of multi-slip, multi-owner permits for private floating facilities and corporation-owned private floating facilities, the structure must be located in areas specifically allocated in the Lakeshore Management Plan. When existing floating facilities of this type are located in areas not approved for limited development under the lakeshore management plan, a grandfather rights provision will apply. Such provision will extend for the period of time that the facility will pass annual inspections without major repair by the permittee(s). At that time the floating facility will be removed or repaired and relocated to an approved location by the owner under a new permit.

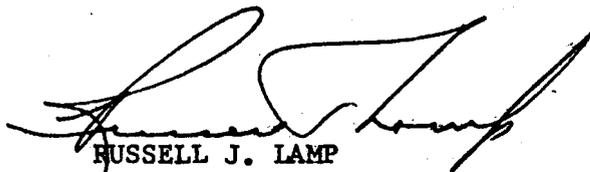
9. Density of Development. The density of private floating recreation facilities will be established by the District Engineer for all portions of Limited Development Use Areas in the Lakeshore Management Plan. The densities will be consistent with ecological and aesthetic characteristics. In all cases, the density of development specified in the Lakeshore Management Plan will not be more than 50% of that shoreline allocated as Limited Development Areas. In those cases where current density of development exceeds the density level established in the Lakeshore Management Plan, the density will be reduced gradually to the prescribed level by employing such guidelines necessary to protect the integrity of the shoreline environment.

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10. Administration Charge. In accordance with the provisions of references 3a and 3b, a charge will be made for Lakeshore Use Permits to help defray expenses associated with issuance and administration of the permits. As permits become eligible for renewal after 1 July 1976 a charge of \$10 for each new permit and a \$5 annual fee for inspection of floating facilities will be made. There will be no annual inspection fee for permits for vegetative modification on lakeshore areas. In all cases the total administration charge will be collected initially at the time of permit issuance rather than on a piecemeal annual basis.

11. Compliance. Lakeshore Management Plans will be prepared for all applicable Corps of Engineers lakes at which private exclusive recreation uses exist. The plan should be submitted within three years after the date of this regulation.

FOR THE CHIEF OF ENGINEERS:



RUSSELL J. LAMP
Colonel, Corps of Engineers
Executive

4 Appendixes:

- APP A - Guidance for Granting Permits for Private Floating Rec Facilities
- APP B - Application for Lakeshore Use Permit
- APP C - Lakeshore Use Permit Conditions
- APP D - Permit (Sample)

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APPENDIX A

GUIDELINES FOR GRANTING PERMITS FOR
PRIVATE FLOATING RECREATION FACILITIES1. 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, unreasonably injurious to the environment or limit use of Federal property by the general public.

b. Revocable permits for private exclusive use facilities either individually or community-owned, will be granted in Limited Development Areas when the sites are removed 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 lake or shoreline. Resource Managers will continuously monitor the number and nature of permits with a view towards timely establishment of additional commercial storage areas in lieu of permitting dispersed private facilities. Administrative charges will be made for Lakeshore Use Permits in accordance with paragraph (j) of this regulation.

c. Revocable permits will be granted for ski jumps, floats, boat moorage facilities, all types of 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. At projects where ice fishing houses or duck blinds are regulated by State program, a Corps permit will not be required. Permits will not be granted for private floating recreation facilities at or proximate to existing or potential public recreation areas.

d. Private floating recreation facilities will be permitted only in areas of the lakeshore which have been allocated as Limited Development Areas in the Lakeshore Management Plan. The density of development in such areas will not exceed 50% of areas allocated to such use.

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e. Community boat mooring facilities will be encouraged where practicable in an effort to reduce the proliferation of individual facilities.

2. Applications for Lakeshore Use Permits.

a. Applications for any private waterfront recreation facilities made to District Engineers or their designated Resource Managers will be reviewed with full consideration of the policies set forth in the previous paragraph, referenced regulations, and the Lakeshore Management Plan. Applicants for a permit shall, prior to the start of construction, submit for approval plans and specifications of the facility proposed, including; engineering details, structural design, anchorage method, construction materials, 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. Specifications and plans which have been certified by a licensed Engineer will be approved. Permit applications shall also identify and locate land-based support facilities which may require a Real Estate instrument.

b. Permits will be issued by the District Engineer or his authorized representative in accordance with ENG Form 4264-R, Appendix B, for periods of 1 to 5 years, but are revocable by the District Engineer whenever he determines that the public interest requires such revocation or that the permittee has failed 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. Specified acts permits will continue to be issued by the District Engineer as necessary, for short terms, to provide for corrective measures such as tree removal and erosion control.

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 private recreation facilities is prohibited. Private floating recreation facilities shall not be used for human habitation.

(3) No private floating facility 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.

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

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

(6) The procedures set forth in this regulation regarding the issuance of permits for individual facilities shall also apply to the issuance of permits for non-commercial community piers.

(7) Where facilities are anchored to the shore, they shall be securely anchored by means of moorings which do not obstruct the free use of the shoreline or unduly damage vegetation.

(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 waterline.

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

(11) Permits for private boat piers or boathouses and mooring facilities will be issued only when the owner files a permanent address and telephone number with the Resource Manager at which he may be reached in case of emergency when he is not on site.

(12) The District Engineer or his authorized representative is authorized to place special conditions in the permit deemed necessary. It may be desirable in some locations to establish a minimum surveillance interval to be observed by the facility owner or his representative.

3. 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 unauthorized structures pursuant to Title 36, Chapter III, Part 327.20, of the Code of Federal Regulations.

4. Posting of Permit Number. Each District will procure 5" x 8" printed permit tags 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 placed 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 is to be in the possession of the permittee. The duplicate of this form will be retained

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in the Resource Manager's office. The permit numbers will be consecutive for each project beginning with number 0001. The District Engineer is authorized to include letters in the permit for further identification as an aid to the project management. The permittee will be required to display the printed tag so that it can be visually checked with ease.

APPENDIX B

APPLICATION FOR LAKESHORE USE PERMIT (ER 1130-2-406)		
Print or type the information requested below. Submit two completed and signed copies of this application with two complete sets of plans and specifications to the Resource Manager.		
LAKE	DATE OF APPLICATION	
NAME OF APPLICANT	TELEPHONE AREA CODE AND NUMBER	
STREET	CITY AND STATE	
TYPE OF FACILITY <input type="checkbox"/> BOATHOUSE (w/roof) <input type="checkbox"/> BOAT PIER (open) <input type="checkbox"/> BOAT MOORING BUOY <input type="checkbox"/> SKI JUMP <input type="checkbox"/> DUCKBLIND <input type="checkbox"/> FLOAT <input type="checkbox"/> OTHER (specify) <input type="checkbox"/> LAND USE (specify)		
BRIEF DESCRIPTION OF LOCATION OF FACILITY, PERMIT NUMBER(S) OF BOAT OR BOATS TO BE DOCKED IF THIS APPLICATION IS FOR A BOAT MOORING FACILITY OR DEVELOPMENT IF THIS APPLICATION IS FOR LAND USE;		
<p style="font-size: large; font-weight: bold; transform: rotate(-10deg);">FOR ILLUSTRATION PURPOSES ONLY</p> <p style="font-size: large; font-weight: bold; transform: rotate(-10deg);">(Local reproduction authorized - blank masters available from local FMO)</p>		
THE FOLLOWING PARTY WILL BE READILY AVAILABLE ON SHORT-NOTICE CALL AND RESPONSIBLE FOR PROVIDING ANY NEEDED SURVEILLANCE OF THE STRUCTURE IN MY ABSENCE.		
NAME	TELEPHONE AREA CODE AND NUMBER	
STREET	CITY AND STATE	
I UNDERSTAND AND AGREE TO THE CONDITIONS OF THE PERMIT FOR LAKESHORE USE. TWO COMPLETE SETS OF THE PLANS AND SPECIFICATIONS, INCLUDING SITE LOCATION AND LAYOUT PLAN, FOR THE PROPOSED STRUCTURE AND ANCHORAGE SYSTEM ARE INCLOSED.		
_____	_____	
Date	Signature of Applicant	
(DO NOT WRITE BELOW THIS LINE)		
PERMIT		
PERMIT NO.	DATE ISSUED	PERMIT EXPIRES (date)
THIS PERMIT TO CONSTRUCT AND/OR MAINTAIN AND USE A FLOATING RECREATION FACILITY OR DEVELOPMENT AS SHOWN ON THE ATTACHED PLANS SUBJECT TO THE RULES AND REGULATIONS OF THE CORPS OF ENGINEERS ON WATERS UNDER THE CONTROL OF THE U. S. ARMY, CORPS OF ENGINEERS IS HEREBY GRANTED BY DELEGATION OF THE SECRETARY OF THE ARMY UNDER AUTHORITY CONFERRED ON HIM BY THE ACT OF CONGRESS APPROVED 31 AUGUST 1951 (U.S.C. 140). THE PERMITTEE SHALL ADHERE TO THE CONDITIONS FOR LAKESHORE USE.		
_____	_____	
Date	Signature of Resource Manager	

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APPENDIX C

CONDITIONS OF PERMIT FOR LAKESHORE USE

1. This permit is granted solely for the purpose described by the permittee on the opposite side of this form.
2. The permittee agrees to and does hereby release and agree to save and hold the Government harmless from any and all causes of action, suits at law or equity, or claims or demands or from any liability of any nature whatsoever for or on account of any damages to persons or property, including the permitted facility, growing out of the ownership, construction, operation or maintenance by the permittee of the permitted facilities.
3. The ownership, construction, operation or maintenance of the permitted facility is subject to the Government's navigation servitude.
4. No attempt shall be made by the permittee to forbid the full and free use by the public of all navigable waters at or adjacent to the permitted facility or to unreasonably interfere with navigation in connection with the ownership, construction, operation or maintenance of the permitted facility.
5. The permittee agrees that if subsequent operations by the Government require an alteration in the location of the permitted facility or if in the opinion of the District Engineer the permitted facility shall cause unreasonable obstruction to navigation or that the public interest so requires the permittee shall be required, upon written notice from the District Engineer to remove, alter, or relocate the permitted facility, without expense to the Government.
6. The Government shall in no case be liable for any damage or injury to the permitted facility which may be caused by or result from subsequent operations undertaken by the Government for the improvement of navigation or for other lawful purposes, and no claims or right to compensation shall accrue from any such damage.
7. The ownership, construction, operation and maintenance of the permitted facility is subject to all applicable Federal, State and local laws and regulations.
8. This permit does not convey any property rights either in real estate or material; and does not authorize any injury to private property or invasion of private rights or any infringement of Federal, State or local laws or regulations nor does it obviate the necessity of obtaining State or local assent required by law for the construction, operation or maintenance of the permitted facility.

9. The permittee shall comply promptly with any lawful regulations or instructions of any Federal, State or local agency of the Government.
10. The permittee agrees that he will complete the facility construction action within one year of the permit issuance date. The permit shall become null and void if the construction action is not completed within that period. Further, he agrees that he will operate and maintain the permitted facility in a manner so as to minimize any adverse impact on fish and wildlife habitat, natural environmental values and in a manner so as to minimize the degradation of water quality.
11. At such time that the permittee ceases to operate and maintain the permitted facility, upon expiration of this permit, or upon revocation of this permit, the permittee shall remove the permitted facility within 30 days, at his expense, and restore the waterway and lands to its former condition. If the permittee fails to remove and so restore to the satisfaction of the District Engineer, the District Engineer may do so by contract or otherwise and recover the cost thereof from the permittee.
12. No pier or boathouse is to be used for human habitation. Household furnishings are not permitted on boat piers or boathouses.
13. No houseboat, cabin cruiser or other vessel shall be used for human habitation at a fixed or permanent mooring point.
14. No charge may be made for use by others of the permitted facility nor commercial activity be engaged in thereon.
15. The size of all structures shall be kept to a minimum to limit encroachment on the water surface.
16. Boat mooring buoys and flotation units of floating facilities shall be constructed of materials which will not become waterlogged or sink when punctured.
17. 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 Resource Manager.
18. Floating facilities shall be securely anchored to the shore in accordance with the approved plans by means of moorings which do not obstruct the free use of the lakeshore.
19. That the display permit tag provided shall be posted on the floating facility or on the land areas covered by the permit so that it can be visually checked with ease in accordance with instructions of the Resource Manager.

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20. No vegetation other than that prescribed in the permit may be damaged, destroyed or removed.
21. No change in land form such as grading, excavation or filling may be done.
22. No vegetation planting of any kind may be done, other than that specifically prescribed in the permit.
23. This permit is non-transferable. Upon the sale or other transfer of the permitted facility or the death of the permittee, this permit is null and void.
24. By 30 days written notice, mailed to the permittee by registered or certified letter the District Engineer may revoke this permit whenever he determines that the public interest necessitates such revocation or when he determines that the permittee has failed to comply with the conditions of this permit. The revocation notice shall specify the reasons for such action. If within the 30 day period, the permittee, in writing requests a hearing, the District Engineer shall grant such hearing at the earliest opportunity. In no event shall the hearing date exceed 60 days from the date of the hearing request. At the conclusion of such hearing, the District Engineer shall render a final decision in writing and mail such decision to the permittee by registered or certified letter. The permittee may, within 5 days of receipt of the decision of the District Engineer appeal such decision to the Division Engineer. The decision of the Division Engineer shall be rendered as expeditiously as possible and shall be sent to the permittee by registered or certified letter. The permittee may, within 5 days of receipt of the decision of the Division Engineer appeal such decision in writing to the Chief of Engineers. The decision of the Chief of Engineers shall be final from which no further appeal may be taken.
25. Notwithstanding condition 24 above if, in the opinion of the District Engineer, emergency circumstances dictate otherwise the District Engineer may summarily revoke this permit.

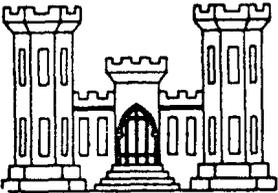
APPENDIX D

PERMIT

01234

EXPIRES 30 NOV. 1974

**THIS PERMIT IS NON-TRANSFERRABLE
AND MAY BE REVOKED AT ANY TIME**



**U.S. ARMY
CORPS OF ENGINEERS**