
Operational Management Plan

Wappapello Lake

Part D of Section II
To Park Management

Shoreline Management Plan

US Army Corps
of Engineers

St. Louis District

July 2002



DEPARTMENT OF THE ARMY
MISSISSIPPI RIVER COMMISSION, CORPS OF ENGINEERS

P. O. BOX 80
VICKSBURG, MISSISSIPPI 39180

REPLY TO
ATTENTION OF:

CEMRC-TD-OP

01 JUL 2002

MEMORANDUM FOR Commander, St. Louis District

SUBJECT: Approval of Update to Operational Management Plan (OMP), Part D, Section 2,
The Shoreline Management Plan (SMP), Wappapello Lake, Missouri

1. Reference memorandum, CEMVS-CO-T, 7 March 2002, subject as above.
2. The updated Shoreline Management Plan for Wappapello Lake has been reviewed and is approved for your implementation. If you have any questions, please contact Joe Sigrest, CEMVD-TD-OP, 601-634-5855.


EDWIN J. ARNOLD, JR. 1 Jul 02
Brigadier General, USA
President, Mississippi River Commission



DEPARTMENT OF THE ARMY
ST. LOUIS DISTRICT, CORPS OF ENGINEERS
1222 SPRUCE STREET
ST. LOUIS, MISSOURI 63103-2833

REPLY TO
ATTENTION OF:

CEMVS-CO-T

07 MAR 02

MEMORANDUM FOR COMMANDER, MISSISSIPPI VALLEY DIVISION
ATTN: CEMVD-TD-OP (MR. JOE SIGREST)

SUBJECT: Approval of Update to Operational Management Plan (OMP), Part D, Section 2, The Shoreline Management Plan (SMP), Wappapello Lake, Missouri

1. References:

- a. Wappapello Lake Master Plan, Design Memorandum No. 504, Updated May 2000.
- b. Wappapello Lake OMP, 1985.
- c. ER 1130-2-406, Shoreline Management at Civil Works Projects, 31 October 1990.

2. Enclosed for your review and approval is the updated Wappapello Lake SMP.

3. The SMP was originally approved on 23 May 1983. A reevaluation of the SMP was conducted during the master plan update process from 1999-2000. Agency and public input and coordination concerning necessary and suggested revisions to the SMP were received as part of the master plan update coordination and public involvement process.

4. As a result of the SMP review process, the following changes have been made to the updated SMP.

a. The zoned shoreline areas previously allocated for permanent duck blind sites have been deleted and reallocated to the public recreation area shoreline designation (red areas on map).

b. The following statement is now deleted: "Permitted duck blinds may only be used by the permittees and their guests. Use of unoccupied duck blinds by the general public is prohibited." No reference is made on the use of duck blinds in the updated plan.

c. The plan was updated to reflect changes made by the 1990 ER and subsequent relevant changes to the ER (1992, 1995, 1999) directed by Headquarters.

CEMVS-CO-T

SUBJECT: Approval of Update to Operational Management Plan (OMP), Part D, Section 2, The Shoreline Management Plan (SMP), Wappapello Lake, Missouri

d. The plan was updated to reflect changes in management terminology and area names over the last 20 years.

e. The plan was updated to reflect current facility developments and plans, and updated master plan land use classifications.

f. The 1983 SMP was a new original plan. The wording of the SMP was presented in a context of initial implementation. This terminology is now changed to reflect an existing and on-going Shoreline Management Program.

5. In accordance with ER 1130-2-406, paragraph 5.c., approval of the updated SMP for Wappapello Lake is requested.

2 Encls



MICHAEL R. MORROW
COL, EN
Commanding

WAPPAPELLO LAKE

ST. FRANCIS RIVER

**Part D, Section II
Operational Management Plan**

SHORELINE MANAGEMENT PLAN

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WAPPAPELLO LAKE
ST. FRANCIS RIVER

PART D, SECTION II
OPERATIONAL MANAGEMENT PLAN

SHORELINE MANAGEMENT PLAN

SECTION I

Introduction

1.1 Purpose. The Shoreline Management Plan provides policy and guidance on the protection of desirable environment characteristics at Wappapello Lake and restoration of shorelines where degradation has occurred through private exclusive use.

1.2 Authority. This Shoreline Management Plan was originally prepared as Appendix F to the Master Plan for Development and Management of ER 1130-2-406, dated 13 December 1974. It is being updated in accordance with ER 1130-2-406 dated 31 October 1990, with update 28 May 1999, and with the Wappapello Lake Master Plan dated 5 May 2000. It will become Part D, of Section II, Park Management of the Wappapello Lake Operational Management Plan.

1.3 References.

- a. Section 4, 1944 Flood Control Act, as amended, PL 87-874.
- b. The Flood Control Act of 31 August 1951 (31 USC 483a).
- c. The National Environmental Policy Act of 1969, PL 91-190.
- d. The Federal Water Pollution Control Act of 1972 (FWPCA).
- e. Title 36, Chapter 111, Part 327, Code of Federal Regulations, "Rules and Regulations Governing Public Use of Water Resources 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."

1.4 Private Floating Recreation Facilities. Private floating recreation facilities as discussed in this plan include houseboats, boats, boat mooring facilities, ski course, swim floats, courtesy docks, duck blinds and others. Private floating facilities will not be used for human habitation.

1.5 Private Onshore Facilities. Private onshore facilities as discussed in this plan include tramways, picnic tables, stairs and steps, or any other structure that might be placed upon Government property for the purpose of private exclusive use.

1.6 Applicability. This plan is applicable to Wappapello Lake Project, Wappapello, Missouri. Easement estate held by the Corps of Engineers is subject to the restriction as stated in the easement document. This plan will be used as a guide to determine what private facilities may be placed on easement estate where this is not specifically covered in the easement document. License or lease agreements that are not related to private facilities are not affected by this plan. No other Federal agencies have jurisdiction over the administration of the shoreline covered by this plan.

SECTION II

Objectives of the Plan

2.1 General. Experience has shown that management is necessary to prevent large sections and possibly all of the shoreline from becoming congested with private facilities and thereby; lost for public use and enjoyment. Management of the shoreline will provide an opportunity for optimum recreational experience for the maximum number of people and assure compatibility among public recreation, the environment, and project resources. The objectives of this plan are to manage and protect the shoreline, to establish and maintain acceptable fish and wildlife habitat, aesthetic quality, and natural environmental conditions, and to promote the safe and healthful use of the lake project for recreational purposes by all of the public. Boat owners will be encouraged to moor their boats at commercial marinas or other authorized locations, utilize dry storage facilities or trailer their boats at public launching ramps.

2.2 Commercial Concessions. Floating facilities used in connection with commercial concessions are not affected by the shoreline allocations presented in the plan. These commercial operations are effectively controlled under existing regulations. The services and storage facilities provided by these commercial operations will reduce the need for numerous individually owned docks along the shoreline.

2.3 Private Exclusive Use. Ownership of private land does not convey an exclusive right to the use of the adjoining public lands. The objective of this plan is to eliminate private exclusive use of Federal lands except for certain public service organizations such as Boy Scouts, Girls Scouts, SEMO Youth Camps, etc. Reserving Federal lands for private exclusive use is contrary to the intent of the Congress who appropriated public funds for this facility.

SECTION III

Description of the Project

3.1 General. Wappapello Lake is located on the St. Francis River in the southeastern part of Missouri, approximately 1 mile southwest of Wappapello and 16 miles northeast of Poplar Bluff. Although most of the lake is in Wayne County, a very small southern portion extends into Butler County. This area is characterized by narrow ridges between deeply cut valleys that are heavily forested with short leaf pine, oak, walnut, poplar, hickory, ash, cherry, and other hardwoods and softwoods.

3.2 Authorized Purpose of the Project. The St. Francis Basin Project, which includes Wappapello Lake and Dam, was authorized primarily for flood control by the Flood Control Act approved 15 June 1936 (Overton Act), as amended by subsequent Flood Control Acts. This project controls the St. Francis River floods by a combination of reservoir, levees, pumping station, channel improvement, and interior drainage. Although the primary purpose of Wappapello Lake is recognized as flood control, the reservoir constitutes a major resource in that it is being developed into a recreational center to meet the varied recreational needs of the surrounding region. Marginal lands are being used for fish and wildlife propagation, forestry, and agriculture.

3.3 Shoreline. The lake shoreline length is approximately 180 miles at the normal recreational pool of 359.74 feet NGVD (National Geodetic Vertical Datum) and approximately 9 miles of the St. Francis River above the recreation pool to the northern Corps of Engineers boundary.

3.4 Operational Concept. The reservoir is operated primarily for downstream flood control, with a secondary operation to provide recreational benefits. There are three significant levels in the pool where either area or capacity are important. These are: the conservation pool, the recreation pool, and the flood pool. The first, the conservation pool, is maintained at elevation 354.74 feet NGVD during the winter months. It covers 5,200 acres and provides 30,900 acre-feet of storage. The recreation pool is maintained at elevation 359.74 feet NGVD during the recreation season and covers 8,400 acres. The flood pool or emergency spillway crest is at elevation 394.74 feet NGVD and at the level contains 613,200 acre-feet of storage. Pool levels and their inclusive dates are shown below.

<u>Elevation (feet NGVD)</u>	<u>Date Normally Maintained</u>	
	<u>From</u>	<u>To</u>
354.74	Mid Dec	Late Mar
356.74	Late Mar	Late Apr
359.74	Late Apr	Mid Dec

Maximum reservoir releases vary from 3,800 cubic feet per second to 10,000 cubic feet per second depending on the pool elevation and the time of year. Further information on this subject is available at the project office.

3.5 Present Land Use. The Wappapello Lake Project contains approximately 44,350 acres, which are owned in fee simple title by the United States Government, and an additional 162.7 acres, which have flowage easement. The largest parcel of this land has been designated for vegetation management (17,751 acres). Next in size are recreation low-density areas (9,371 acres) followed in acreage by recreation areas (4,715 acres). A wildlife management area (1,880 acres) is located at the northern end of the project. Six environmentally sensitive areas are located throughout the length of the lake, with three being ecological areas (1,680 acres) and three being cultural areas (495 acres). A small area at the dam site has been designated for project operations (57 acres).

3.6 Sanitary Facilities. Corps maintained sanitary facilities at Wappapello Lake consist of 8 flush sewer restrooms, 8 flush vault and 6 vault type restrooms, 5 shower houses, 2 trailer dump stations, and 1 sewage treatment plant. Disposal methods are either by a sewage treatment plant with spray field, or by septic tank with lateral lines. All solid waste is collected and disposed of in an approved sanitary landfill. All disposal methods and facilities are in accordance with applicable Missouri State Department of Health and Environmental Protection Agency requirements.

3.7 Recreation. Existing recreational development in the lake area consists of picnic areas and shelters, campgrounds, boat ramps, swimming beaches, trails, playgrounds and play courts, and group recreational and education areas (Boy Scouts, Girl Scouts, and SEMO Youth Camps) and the utilities to support those facilities.

Concessionaires provide cabins, swimming pools, restaurant, boat slips, campsites, boat rentals, playgrounds, and small convenience stores.

3.8 Water Quality Analysis. Except after heavy rains, lake water normally ranges from stained to clear. The St. Francis River carries only small amounts of silt. There is no industrial or domestic pollution of consequences.

Water quality samples are taken at the lake from March through October. Samples are taken at the Outlet Channel, Otter Creek, Greenville Bridge and 34 Bridge. Parameters measured consist of water temperature (C); conductance (in Ohms); pH; dissolved oxygen (mg/l); and total chloroform count (#/100ml).

Each year since the sampling program began in 1971, no serious water quality problems have been found. All measured parameters continue to fall within acceptable ranges.

SECTION IV

Shoreline Allocation

4.1 General. Development of adjoining lands around Wappapello Lake has increased the demand and requests for private facilities; therefore, it is apparent that a plan for systematic development of the shoreline is essential. This plan is intended to protect the natural beauty of the shoreline and, within reason, to control exclusive use of the shoreline by a limited number of people. It is the objective of the Corps of Engineers to manage the shoreline with minimum private exclusive uses of public property and to maximize benefits for the public now and in future years.

4.2 Allocations.

a. Public Recreation Areas. Public Recreation Areas are those areas within or near developed or proposed public use areas. Private facilities are not permitted within, adjacent, or in close proximity to developed areas or areas reserved for future parks where the structures would detract from the vista of the park. Individuals are not permitted to make any modification of the landform or vegetative characteristics of lands under this allocation. Commercial boat docks or concessions are permitted in public recreation and buffer areas (shown in red on Exhibit 1).

b. Protected Shoreline Areas. Protected Shoreline Areas (shown in green on Exhibit 1) are designated to protect aesthetic, environmental, and/or fish and wildlife values. These areas are available for general recreational purposes; however, developed public use facilities are not provided, except for boat launching ramps. Land access and boating are permitted along the shoreline, provided aesthetic, environmental, and natural resource values are not damaged. Land access by vehicles is limited to authorized roads. Landform and vegetation community modification will be allowed only through specific lease agreements for a definite interim use such as agricultural cropland, pastureland, or hayland. These lease agreements will be made only after full consideration of the effects these actions will have on environmental, physical, and biological characteristics of the area. No private exclusive use privileges or facilities will be permitted in these areas.

c. Limited Development Areas. Private facilities, such as community docks, are permitted in areas designated for Limited Development. The density of development is limited by the impact on the ecological and aesthetic characteristics of the particular area, and will not exceed fifty percent of the shoreline allocated for limited development. These areas are shown in orange on Exhibit 1. No other type of private facility will be allowed in these areas.

d. Prohibited Access Areas. Prohibited Access Areas are allocated for the protection of ecosystems as well as the physical safety and well being of visitors. The Hawe's Bluff and Cedar Bluff Areas are included under this category for their beauty and because they contain unique and rare species of plants, however public access is not restricted in these areas. The intake control structure area is restricted from public access and use at all times. Buoys and signs have been placed around the intake structure to prevent boating and public access. A portion of the outlet channel is restricted from public access and use in accordance with the posted signs. Boat access is prohibited to the Lost Creek and Asher Creek waterfowl refuges during duck hunting season (except teal season) in accordance with the posted buoys and signs. No private exclusive use privileges or facilities will be allowed in these areas nor will modification of landform or vegetation communities be allowed. These areas are shown in purple on Exhibit 1.

SECTION V

Implementation of the Plan

5.1 Existing Docks Currently Under Permit. All existing permits for private and community docks will remain in effect for the term of the current permit and will continue to be subject to all terms and conditions of the permit.

a. Existing Docks. Existing permitted docks will be allowed to remain in their present location provided they meet the three conditions below, except where necessary for immediate use for public purposes or higher public use for a navigation or flood control project:

1. Such property is maintained in useable and safe conditions;
2. Such property does not occasion a threat to life or property; and
3. The holder of the permit is in substantial compliance with the existing permit.

No modification can be made unless authorized by the District Engineer or authorized representative.

b. Termination. Upon termination of permits issued under the special conditions above, the dock must be removed from the lake by the permittee.

5.2 Other Facilities.

a. Stairways or Steps. No stairways or steps will be permitted.

b. Vegetation Alteration and Mowing. Vegetation alteration, mowing, and trimming will be kept to a minimum and allowed only in areas approved by the Operations Manager and marked by appropriate markers placed in the ground. No herbicides may be used for control of vegetation. This will prevent the connotation that the general public privately owns shoreline land.

c. Tree Cutting. Cutting or removal of trees, brush, or shrubs will be allowed only for the safety of adjacent property after receiving approval of application and issuance of a permit. Each tree, brush or shrub to be removed will be marked by the Operations Manager at Wappapello Lake. The sale of any cut tree is prohibited.

d. Defacing of Natural Material. The defacing of vegetation, rocks or other natural material by painting, whitewashing, coloring or otherwise changing is prohibited.

e. Duck Blinds. Wappapello is located in the Mississippi Flyway and offers visitors excellent duck hunting opportunities. Duck blinds will be allowed according to the following policy:

Floating duck blinds will be allowed on Wappapello Lake; however, they must be towed and moored in designated storage cove(s) or removed from the lake within two weeks after the close of duck season or as otherwise stated if water levels are low or if inclement weather conditions exist. Floating duck blinds that have not been towed to the designated storage cove(s) or removed from the lake after the specified time interval will be treated as unauthorized structures and removed according the paragraph 5.5. The cove(s) designated for duck blind storage may be changed depending upon future use and development of Wappapello Lake.

All floating duck blinds must be maintained on a year-round basis by the permittee. If the blind is not maintained, the permittee will have 30 days to repair it. If the said blind is not repaired, the permit may be revoked and the permittee would not be issued another permit for a period of one year. The blind will then have to be removed from the lake. Refusal to do so would prevent the permittee from receiving another permit for a period of five years. No duck blinds can be attached to any living tree. No brush may be obtained from living trees on public land to brush any duck blind.

f. Ski Course. Permits will be issued for ski courses upon approval of plans of requesting club, group, or agency. Permits will not be issued for ski courses proposed by an individual for private exclusive use.

g. Houseboats. Any type of boat that is used for extended habitation is prohibited.

h. Piers. Any type of fixed pier or platform either on the land or extending into the water from the shoreline is prohibited unless authorized by the District Engineer or authorized representative.

i. Piling, Posts or Stakes. Any type of piling, post or stake driven into the lake is prohibited.

j. Fences. Any type of fence or similar structure is prohibited.

k. Trolleys or Tramways. No new trolleys or tramways will be permitted. Existing permitted trolleys and tramways will be allowed to remain in their present location provided they meet the three conditions below, except where necessary for immediate use for public purposes or higher public use for a navigation or flood control project:

1. Such property is maintained in useable and safe conditions;
2. Such property does not occasion a threat to life or property; and
3. The holder of the permit is in substantial compliance with the existing permit.

No modification can be made unless authorized by the District Engineer or authorized representative.

l. Channels, Canals, Excavations. Any type of channel, ditch, canal, or excavation is prohibited unless authorized by the District Engineer or authorized representative.

m. Buoys or Waterway Markers. Buoys or waterway markers are prohibited unless authorized by the District Engineer or authorized representative.

n. Anchors. Any type of floating device used to anchor boats is prohibited unless authorized by the District Engineer or authorized representative.

o. Burning. Burning of any materials by private individuals is prohibited on any lands owned by the United States except in authorized locations such as campgrounds, etc.

p. Trash. Littering or bringing garbage, trash, refuse, or other similar material on Government property is prohibited.

q. Floating Swimming Platform. Any type of floating platform or structure that is used for swimming is prohibited. This applies to structures that are anchored or drifting. It does not include boats or other vessels legally operating on the lake.

r. Other. Anything that becomes part of the lake, shoreline or adjacent Federal property is prohibited unless authorized and permitted.

5.3 Posting of Permits. Permittees will be furnished a Shoreline Use permit tag for posting on floating structures or other facilities as required. These Shoreline Use permit tags will be displayed on the facility. (See Exhibit 2 for example permit.)

5.4 Revocation of Permits. The District Engineer may revoke any permit whenever it's determined that the public interest necessitates such revocation or when it's determined that the permittee has failed to comply with the conditions of the permit. The revocation notice shall specify the reason for such action.

5.5 Removal of Unauthorized Facilities. The facilities and/or activities of a permittee which are not removed or terminated when specified in the permit, or when requested after revocation or expiration of the permit, will be treated as unauthorized structures or

activities pursuant to Title 36, Chapter III, Part 327.20 of the Code of Federal Regulations. Existing facilities and/or activities for which permits are not issued or any unauthorized facility and/or activity placed on the lake will likewise be treated as unauthorized. The owner of the unauthorized facility will be given 30 days written notice to remove the facility. If the owner of any facility cannot be located, the Operations Manager may impound the said facility under the existing Department of the Army, Corps of Engineers impoundment regulations.

5.6 Citations. Any person who refuses to comply with the terms or conditions of any permit issued are subject to a written citation.

5.7 Application for Permits. Applicants shall submit an application with plans and specifications to include: a sketch with dimensions, flotation material, location, anchorage method and photograph; and owner's address and telephone number; the expected duration of use of the facility; and a statement of willingness to abide by the rules, and regulations and conditions of the permit. Applications for community mooring facilities shall submit for approval, plans and specifications of the facility to include; engineering details, structural design; anchorage method; construction material; flotation material – the type, size, location; and owner's address and telephone number; the expected duration of use of the facility and a statement of willingness to abide by the rules and regulations and conditions of the permit. Applications for vegetative modification should include the extent of modification, type of vegetation to be modified, and purpose of the work. All applications will be submitted to the Operations Manager at Wappapello Lake for approval. Permits will be issued by the District Engineer or authorized representative in accordance with this plan. These forms will be available at the Operations Manager's office (See Exhibit 3). Permits for a community mooring facility or mowing permits for a community will be issued in the name of one person designated as the permittee and responsible for the facility and/or activity. The permit for any type of individual facility and/or activity will be issued in the name of the person who owns the facility. All permittees must adhere to the "Shoreline Use Permit Conditions." (See Exhibit 4).

5.8 Renewal of Permits. All permits should be renewed prior to their expiration.

5.9 Duration and Administration Fees. Permits for private floating facilities will be issued for a period of 5 years. The charge will be \$30 for the life of the permit. Permits for vegetation alteration and erosion control devices will be issued for a period of five years at no charge. Permits for duck blinds will be issued annually and there will be a \$15 registration fee. All fees for issuance of a permit will be collected in advance of the inspection. In the event that the permit is terminated or revoked before its expiration date, no portion of the fee will be rebated for the unused tenure of the

permit. Fees may be paid in the forms of cash, check, or money order payable to: "FAO, USACE, ST. LOUIS". Only the exact amount of the fee due will be accepted. A receipt will be given for all cash transactions. All fees will be collected by the Operations Manager or authorized fee collectors at Wappapello Lake. Fees are collected to cover administrative cost and inspection services and are forwarded as general receipts to the Treasury of the United States.

SECTION VI

Permits

6.1 Shoreline Use Permits. Shoreline use permits are issued for private floating recreation facilities, access paths, and mowing, which do not in any way involve a disruption to or a change in land form. Upon sale or other transfer of the permitted facility or death of the permittee, the permit is null and void.

6.2 Department of the Army Permits. Activities such as dredging, construction of fixed 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). Shoreline use permits will not be used under these circumstances.

6.3 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 such as roads, drives, power lines, and tramway rights-of-way will be covered by a lease, license, or other instrument.



Army Corps
Engineers
St. Louis District
Leaders in Customer Care

PERMIT EXPIRES _____

NAME _____

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

**U.S. ARMY
CORPS OF ENGINEERS
ST. LOUIS DISTRICT**

EXHIBIT 2

Shoreline Use Permit Conditions

1. This permit is granted solely to the applicant for the purpose described on the attached permit.
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 a permitted facility, growing out of the ownership, construction, operation or maintenance by the permittee of the permitted facilities and/or activities.
3. Ownership, construction, operation, use and maintenance of a permitted facility are 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 public waters and/or lands at or adjacent to the permitted facility or to unreasonably interfere with any authorized project purposes, including navigation in connection with the ownership, construction, operation or maintenance of a permitted facility and/or activity.
5. The permittee agrees that if subsequent operations by the Government require an alteration in the location of a permitted facility and/or activity if in the opinion of the District Engineer a permitted facility and/or activity shall cause unreasonable obstruction to navigation or that the public interest so require, 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 damages or injury to a 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 rights to compensation shall accrue from any such damage. This includes any damage that may occur to private property if a facility is removed for noncompliance with the conditions of the permit.
7. Ownership, construction, operation, use and maintenance of a permitted facility and/or activity are subject to all applicable Federal, State and local laws and regulations. Failure to abide by these applicable laws and regulations may be cause for revocation of the permit.

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 and local assent required by law for the construction, operation, use or maintenance of the permitted facility and/or activity.

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 the construction action is not completed within that period. Further, the permittee agrees to operate and maintain any permitted facility and/or activity in a manner so as to provide safety, minimize any adverse impact on fish and wildlife habitat, natural, environmental, or cultural resources 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 Operations 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 Operations Manager, the District Engineer 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, sub-let 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. Floats and the flotation material for all docks and boat mooring buoys shall be fabricated of material 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 drums 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 (28 May 1999), 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.

15. Permitted facilities and activities are subject to periodic inspection by authorized Corps representatives. The Operations 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 Operations Manager.

16. Floating facilities shall be securely attached to the shore in accordance with the approved plans by means of moorings, 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 of the Operations Manager.

18. No vegetation other than that prescribed in the permit may 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 as grading, excavation or filling is authorized by this permit.

20. By 30 days written notice, mailed to the permittee by registered or certified letter the District Engineer may revoke this permit whenever the public interest necessitates such revocation or when the permittee failed 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 Engineer through the Operations Manager within the 30 day period, the District Engineer 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.

21. Notwithstanding the condition cited in condition 20 above, if in the opinion of the District Engineer, emergency circumstances dictate otherwise, the District Engineer may summarily revoke this permit.

22. The Operations Manager or authorized representative shall be allowed to cross the permittee's property, as necessary, to inspect facilities and/or activities under permit.
23. When vegetation modification is allowed, the permitter will delineate the Government property line in a clear, but unobtrusive manner approved by the Operations Manager and in accordance with the project Shoreline Plan.
24. 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.
25. If the ownership of a permitted facility is sold or transferred, the permittee or new owner will notify the Operations 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 the ownership transfer.
26. If permitted facilities are removed for storage or extensive maintenance, the Operations Manager may require all portions of the facility be removed from public property.
27. All structures will be designed and sited to present a pleasing appearance, to minimize damage to the landscape, and to preserve any scenic values existing in the area.
28. Plumbing will not be permitted without prior approval from the Operations Manager. All approved plumbing will comply with Federal, State, and local codes. Approved plumbing will not discharge any undesirable effluent into the water.
29. The use of AC power is prohibited on floating facilities.
30. All signs other than permit tags will be coordinated through the Operations Manager in order to provide a uniform system.
31. These standards do not apply to commercial leases.

ATTACHMENT A

SPECIFICATIONS FOR COMMUNITY BOAT DOCKS

The Shoreline Management Plan provides that community docks will be accepted in Limited Development Areas. The following guidance contains specifics concerning: (1) minimum number of slips for boats, (2) maximum number of slips, (3) fee charges for community docks, (4) qualifications for the permit holder, or (5) disposition of permit resulting from changes in ownership.

1. Minimum number of permitted boat slips is 4.
2. The maximum number of boat slips will be determined by judgment of the Operations Manager and will depend on the geography and aesthetics of the shoreline where the dock will be located, designation of adjoining areas, and the ability of the permit holder to properly maintain the dock, whatever its size.
3. The fee charged for community docks will be as stated in paragraph 5.9 of the Shoreline Management Plan; \$30 for the life of the permit (5 years).
4. The permittee must be one of the owners of the community dock. The permittee must be of legal age (18 years or older). The permittee will be held responsible for the dock and its maintenance.
5. Changes in ownership in individual slips of the community boat dock will be allowed and will not result in termination of the permit. The permittee's name may be changed at any time by notifying the Operations Manager. This will not affect the status of the permit. At no time will the number of owners of the community dock be less than 4. The minimum number of slips at a dock will also be 4.

ATTACHMENT B

VEGETATION ALTERATION AND/OR MOWING OF PROJECT LANDS BY ADJACENT LANDOWNERS

The following standards shall apply to all approved vegetation alteration or mowing operations.

A. Adjacent landowners desiring to mow or make shoreline alterations must obtain a Shoreline Use Permit (ENG form 4264-R) from the Operations Manager prior to removing vegetation, mowing grass, raking leaves or making any other alterations to Government-owned property.

B. Permits are nontransferable. Upon sale or other transfer of property adjacent to Government-owned land, which the permit was issued to protect, or upon death of the permittee, the permit is null and void.

C. Mowing or vegetation alteration permits will be issued only for the following purposes:

1. To provide an adequate buffer zone around private dwellings, business firms or outbuildings, for fire protection that were constructed prior to 01 January 1982.

2. To remove dead trees threatening human life or private property.

D. Mowing permits will not be issued for the purpose of enhancing the value of adjacent private property or to create or improve a scenic view of the lake or surrounding shoreline. This prevents the connotation that public land adjacent to the lake is owned and operated by individuals for their private, exclusive use.

E. All parcels of Government-owned land covered under a mowing permit will be marked to identify the entire land area within the scope of the permit.

F. The mowing area will be conspicuously posted. The lands covered by this permit will remain open at all times for use by the general public.

G. The limits of mowing will be dependent on the proximity of privately owned dwellings and outbuildings to the Government boundary. A maximum mowed radius of 50 feet from buildings is considered adequate for fire protection.

SUBJECT: Vegetation Alteration and/or Mowing of Project Lands by Adjacent Landowners

H. In all cases, an on-site inspection will be made to define the extent of the area to be mowed. The size and location of areas to be mowed will establish at the discretion of the Operations Manager.

I. All mowing and alteration work will be subject to the following conditions.

1. Only mowing or cutting of grass and non-woody vegetation will be allowed.
2. Excavating, filling or otherwise modifying the existing landform to facilitate vegetative alteration is prohibited.
3. The use of herbicides or pesticides of any type on Government property is strictly prohibited.
4. No structures, facilities, or personal items of any type may be placed on Government-owned land.
5. Leaf raking is permitted. However, all leaves accumulated must be removed by the permittee and cannot be deposited on Government-owned land.
6. No burning of any material is allowed. This includes, but is not limited to grass, leaves, tree limbs, loose litter or household waste.
7. Only hand-operated tools and small power tools (i.e. Weed eaters, mowers, etc.) may be used. The use of tractors or other heavy equipment, which could damage the landform, is prohibited.
8. No trees, plants, or grass may be planted or placed on Government-owned land.
9. All work will be accomplished without cost or liability to the Government.
10. Trimming or in anyway altering healthy trees to obtain a view or for any other purpose is prohibited. No cable, rope, or line may be attached to any living tree.
11. No attempt shall be made by the permittee to forbid the full and free use by the public of all areas covered under this permit.

SUBJECT: Vegetation Alteration and/or Mowing of Project Lands by Adjacent Landowners

12. The Operations Manager or representative retains the right to enter across privately owned property at all times for the purpose of inspecting the area and insuring permit compliance.

J. In addition to the above listed conditions, the permittee must comply with all special conditions listed on the permit. Failure to comply with these conditions will result in revocation of permits. Use of Government lands for other purposes may require a lease, license, or easement, which is beyond the scope of the Shoreline Use Permit.

K. Mowing permits will be issued only for the protection of private dwellings, business firms, and outbuildings of a permanent nature that were placed in their present location prior to monumentation of the Government boundary line. In all instances where facilities are placed on private property adjacent to Corps property after monumentation, it shall be the responsibility of the private landowners to place the facility in such a manner that fire protection is provided on private property. No mowing permits will be issued to protect private facilities, which are placed adjacent to the Government boundary line after 01 January 1982. It shall be the responsibility of the private landowner to determine the extent of the land under his ownership and place new facilities accordingly.

L. It shall be a violation of Title 36 Code of Federal Regulations, Section 327.19 to refuse or fail to comply with terms or conditions of any permit issued under the provisions of the Shoreline Management Plan.

ATTACHMENT C

MINIMUM STANDARDS FOR FLOATING DUCK BLINDS

- A. Floating duck blinds are permitted only in areas allocated as Public Recreation Areas (red). In addition to the Shoreline Use permit conditions, the following standards have been established specifically for duck blinds on Wappapello Lake.
- B. Structure size shall be kept to a minimum to limit encroachment of the water surface. Maximum structure size shall be no larger than 400 square surface feet or 20' x 20'.
- C. Duck blinds are subject to periodic inspection by project personnel. Compliance inspections may be conducted at any time.
- D. The Shoreline Use permit tag provided shall be posted so that it can be visually checked with ease, such as inside the covered boat stall area. If the Shoreline Use permit tag is lost or stolen, the permittee shall contact the lake management office as soon as possible and a duplicate tag will be issued. Any duck blind found not to have a permit tag would be considered to be an unauthorized structure that will be impounded in accordance with existing regulations.
- E. No signs other than the Shoreline Use permit tag will be allowed to be placed on the duck blind structure. Posters and pamphlets on such subjects as hunting regulations, shooting hours, waterfowl identification and duck blind ownership may be posted.
- F. Floating duck blinds may not be placed upon the lake unless they display a current Shoreline Use permit. The Operations Manager shall designate a date on which floating blinds may be placed on Wappapello Lake. Permittees will be notified.
- G. Floating duck blinds must be towed to and moored in the designated storage cove(s) or removed from the lands and waters of Wappapello Lake within two weeks after the close of duck season or as otherwise stated if water levels are low or if inclement weather conditions exist.
- H. A storage cove(s) will be designated. All floating duck blinds shall be stored within the confines of the designated storage cove(s) or remove from public lands and water.
- I. Floating duck blinds that have not been towed to a designated storage cove(s) or removed from the lake as specified in condition (F) and (G) will be treated as unauthorized structures and removed accordingly

SUBJECT: Minimum Standards for Floating Duck Blinds

J. Floating duck blinds must be held securely in place. No duck blind can be anchored to any living tree or vegetation. No posts, pilings, stakes, or pipes may be driven into the lake for anchorage. All anchors must be removed from the lake when the duck blind is removed.

K. The open burning of any duck blind or structural material without prior approval is prohibited.

L. All duck blinds will be placed on the water at a minimum distance of 200 yards from any other duck blind, private boat dock, marina or waterfowl refuge area. Permittees with a lower permit number (established at drawing) will be given priority in choosing a site location, as per their site location they picked on the map at registration, over another permittee.

M. Brush or leaves from any living tree or other plant on public lands or waters will not be gathered and used to camouflage duck blinds.

ATTACHMENT D

FLOATING DUCK BLIND REGISTRATION AT WAPPAPELLO LAKE

A. The lottery draw and registration for floating duck blinds will begin at 1:00 p.m. on the third Saturday in August at the Wappapello Lake Visitor Center. Duck blinds will continue to be registered through the end of the duck-hunting season on a first come first serve basis.

B. In an effort to promote fairness, the following lottery procedure will be used:

1. A "luck of the draw" process with numbered tokens will be used to determine the hunter's position in the registration process. Hunters will be registered upon completion of the Shoreline Use permit application.

2. All hunters must pay the \$15 registration fee prior to entering the lottery process. This fee is non-refundable. This process was recommended by hunters and previous permittees. The purpose is to eliminate having large numbers of disinterested persons entering the drawing for the purpose of greatly increasing their chances to draw a low number. This process shortens the length of time the hunter must stand in line and assures that those persons truly interested in hunting will get an equal chance at the drawing.

3. When positions in line are called, the hunter will be allowed to draw for order of selecting floating duck blind location.

4. When your number is called, you will have five minutes to choose a blind location. If you do not respond by this time, we will proceed to the next hunter.

C. Only one blind will be allocated per person. Hunters must register for blind location in person. Hunters must present a completed ENG Form 4264-R, Application for Shoreline Use Permit, when applying for a permit at the Lake Management Office.

D. There is a \$15 registration fee charged for duck blind permits. Please have the correct dollar amount available when you register. Cash, personal check, or money order will be accepted. Personal checks and money orders should be made payable to: "FAO, USACE, ST. LOUIS".

E. All floating blinds must be removed from the lake or stored in a designated storage cove(s) within two weeks after the close of duck season. This includes decoys which are part of the Shoreline Use Permit.

SUBJECT: Floating Duck Blind Registration at Wappapello Lake

F. Floating duck blinds are permitted only in areas allocated as Public Recreation Areas (red).

G. Any change to blind location, after one has been selected, must have prior approval by the Operations Manager.

H. Blinds will be allowed on the lake after Labor Day. All blinds must have a valid Shoreline Use permit attached.

I. Citations will be issued for violations and may lead to removal of duck blinds, as per section 5.6 of the Shoreline Management Plan.

J. Duck hunting (including teal) will not be allowed in the following Recreation Area coves:

- Peoples Creek
- Redman Creek
- Wappapello Lake State Park (Allison Hollow)
- Lost Creek Waterfowl Refuge
- Asher Creek Waterfowl Refuge

K. In order to increase the quality of duck hunting at Wappapello Lake, the upper part of Lost Creek and upper part of Asher Creek will be closed to boat traffic two days prior to duck season until the end of the duck season. All of the marked refuge areas are restricted from waterfowl hunting year round

ATTACHMENT E

ESTABLISHED MINIMUM STANDARDS FOR TROLLEYS AND TRAMWAYS

A. These standards have been established to manage licenses for trolleys and tramways so as to minimize private, exclusive use of public property and to maximize benefits to all.

B. No new trolleys or tramways will be permitted. Existing permitted trolleys and tramways will be allowed to remain in their present location provided they meet the three conditions below, except where necessary for immediate use for public purposes or higher public use for a navigation or flood control project:

1. Such property is maintained in useable and safe conditions;
2. Such property does not occasion a threat to life or property; and
3. The holder of the permit is in substantial compliance with the existing permit.

No modification can be made unless authorized by the District Engineer or authorized representative.

C. Control of the shoreline or water area adjacent to the facility shall be as specified in the license or otherwise approved by the Operations Manager. In general, control will be limited to the clearing and/or of grass, weeds, and underbrush within the tramway proper.

1. No signs or notices may be posted which would convey any exclusive rights to the use of the adjoining public lands.

2. Buoys or waterway markers are prohibited unless authorized by the Operations Manager.

3. Burning of any materials by private individuals is prohibited on any lands owned by the Corps of Engineers unless prior approval has been secured.

4. No person shall forbid the free and full use of licensed areas, which are used for trolleys and tramways.

5. No modification can be made unless authorized by the Operations Manger.

SUBJECT: Established Minimum Standards for Trolleys and Tramways

D. At a minimum, at least one complete compliance inspection will be made each year by project personnel to determine the extent of compliance with all the terms of the license. Such inspections will include but are not limited to compliance with construction standards, approved plans and specifications, sanitation, maintenance, repair, protection, housekeeping practices of facilities and grounds, and unauthorized use of property. Any deficiencies will be discussed with the permittee and a definite schedule for correction of such deficiencies will be set.

E. These minimum standards shall be met in the operation and maintenance of trolleys and tramways on Government lands. Failure of a lessee to comply fully with these provisions can be cause for revocation of the license.

1. All trolley and tramway structures which are unsafe or which constitute a hazard or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment shall be repaired in accordance with the below guidance.

2. In addition to the above items, Title 36, Code of Federal regulations, Chapter III, Section 327 shall apply to all out granted lands as a minimum regulatory requirement.

F. The construction, maintenance and operation of the trolley and tramway structures by the lessee or agents will meet or exceed the minimum guidelines described within. All applicable state, county and local codes shall be in full effect.

G. Specifications for placement of trolleys and tramways are as follows.

1. Trolleys and tramways must extend from the lake level at elevation 359.74 feet NGVD and to above the maximum flood pool of 394.74 feet NGVD.

2. All permanent electrical controls must be located above elevation 394.74 feet NGVD.

3. Tramways shall be constructed immediately adjacent to owner's property.

4. Dimensions and details of tramway, trolley, winch, and boathouse must be provided.

SUBJECT: Established Minimum Standards for Trolleys and Tramways

H. Track specifications are as follows:

1. Spacing for concrete pedestals or supports shall be placed at a maximum of 5' centers.
2. Rails must be permanently affixed (welded, bolted, etc.) or anchored to the supports with the maximum distance between rails no greater than 48" (4 feet).
3. All exposed metal surfaces will be painted with rust inhibitor type paint. Paint shall be of an approved color and shall match the surrounding environmental features. All metal surfaces shall be repainted when necessary to assure that the structure remains rust free and has a neat appearance at all times.
4. Rails must follow as close as possible to the contour of the ground.
5. Tracks will be constructed of metal rails, metal pipe, or angle iron.
6. If treated timbers are used, they must be maintained in a good condition. Timbers, which have become rotten, broken, or otherwise damaged, shall be replaced or repaired as needed.

I. Winch specification are as follows:

1. The winch must be bolted to a platform anchored to the uphill end of rails on private property.
2. Winch will be powered by an electrical, reversible motor of sufficient horsepower to safely transport the trolley, vessel and operator.
3. Winch cable shall be braided wire rope with a minimum diameter of ¼". Cable shall be maintained in a safe condition and shall be replaced or repaired if rusted or worn to a point where usage would be unsafe.

I. Trolley specifications are as follows:

1. Frame shall be of metal construction with wooden cradle structure. The cradle and frame will be painted with rust inhibitor type paint of an approved color.
2. Wheels shall have a track as wide as the metal rails. Wheels shall have a minimum diameter of 8".

ATTACHMENT F

PERMIT FEE SCHEDULE

A nominal fee will be charged permittees in order to recover a portion of costs incurred in administration of the Shoreline Use Permit Program. This fee schedule may be periodically updated to reflect changes in administration costs.

<u>Activity</u>	<u>Duration</u>	<u>Total</u>
Private & Community Boat Docks	5 years	\$30.00
Vegetation Alteration	5 years	\$0.00
Duck blinds	annually	\$15.00