

SECTION I – INTRODUCTION

1.01 AUTHORIZATION

Federal laws provide that land and water areas of Department of the Army reservoirs, constructed for the primary purposes of flood control, navigation and/or hydropower, shall be administered to encourage and develop all collateral uses such as water supply, public parks and recreation, conservation of fish and wildlife resources, pollution abatement, and other purposes in the public interest.

The Flood Control Act of 28 June 1938 authorized a dam and reservoir on the Salt River near Joanna, Missouri, as part of a general comprehensive plan for flood control in the Upper Mississippi River Basin. A restudy of the project indicated the feasibility of a multi-purpose development, including hydroelectric power. The project was authorized as such by Sec. 203 of the Flood Control Act of 23 October 1962 (PL 87-874), as recommended by the Chief of Engineers in House Document No. 507, 87th Congress, 2nd Session. The reservoir, originally named the Joanna Reservoir, was officially renamed Clarence Cannon Dam and Reservoir by Public Law 89-298, 89th Congress, 3rd Session on 27 October 1965. Clarence Cannon Dam and Reservoir was officially renamed Clarence Cannon Dam and Mark Twain Lake by PL 97-128, 97th Congress, 29 December 1981.

This plan has been prepared in accordance with guidance contained in the following:

- a. ER 1165-2-400 Water Resource Policies and Authorities: Recreation Planning, Development and Management Policies (chg 1,1988).
- b. ER 1110-2-400 Design of Recreation Sites, Areas, and Facilities (1988).
- c. ER 1130-2-540 Environmental Stewardship Operations and Maintenance Policies (chg.1, 2002).
- d. EP 1130-2-540 Environmental Stewardship Operations and Maintenance Guidance and Procedures (chg.1, 2002).
- e. EM 1110-1-400 Recreation Planning and Design Criteria (1987).
- f. ER 1130-2-550 Recreation Operations and Maintenance Policies (chg. 3, 2002).
- g. EP 1130-2-550 Recreation Operations and Maintenance Guidance and Procedures (chg. 3, 2002).

- h. ER 1130-2-406 Shoreline Management at Civil Works Projects (chg. 2, 1999).
- i. ER 405-1-12 Real Estate Handbook (1985)
- j. ER 1105-2-100 Planning Guidance Notebook (2000)
- k. Final Environmental Statement; Mark Twain Lake, Missouri (Operation and Maintenance) 1975

1.02 PROJECT PURPOSES

The authorized purposes of the project are flood control in the Salt River Basin, hydroelectric power generation, water supply, fish and wildlife conservation, recreation, and incidental navigation.

1.03 PURPOSE OF THE MASTER PLAN

The original Master Plan was intended as a guide for the orderly and coordinated development and management of all lands and water areas of the project. It presented data on the scope of development considered adequate for initial public use and an estimate of future requirements. This updated Master Plan presents an inventory and assessment of land and water resources and physical improvements, an analysis of resource use and an evaluation of existing and future needs required to protect and improve the value of the resource base. The provision of quality and relevant services to the public was also evaluated.

1.04 PRIOR PERTINENT DESIGN MEMORANDA

a. The 1991 update of the Master Plan was supplemented eight times. The following is a brief summary of those eight supplements.

(1) Supplement 1, 19 March 1991, requested that the Spillway Recreation Area be renamed the Warren G. See Spillway Area. Total estimated cost was \$1500. Approved by CELMV-PD-R on 4 April 1991.

(2) Supplement 2, 29 September 1994, presented the request by the Northeast Missouri Area Vietnam Veterans Inc. to construct a memorial at the M. W. Boudreaux Memorial Visitor Center for Northeast Missouri soldiers who died in the Vietnam war. Total estimated cost of the project was \$45,000. Approved by CELMV-PE-R on 28 October 1994

(3) Supplement 3, 8 August 1995, requested approval of a three-year road improvement and maintenance project for paved surfaces with a request for

special funding. The three-year project cost was estimated at \$1,586,621. The project without the special funding was approved on 18 October 1995 by CELMV-ET-PR.

(4) Supplement 4, 11 October 1995, proposed a marina development at the North Extension lease area of Mark Twain State Park, fish cleaning stations in several recreation areas, an amphitheater at Frank Russell campground, a vault toilet and multi-purpose shelter in the Warren G. See South Spillway Recreation Area, a wetland restoration project in the North Fork area, and high water accesses at three locations. Total estimated cost was \$186,013. CELMV-ET-PR approved the supplement on 12 January 1996.

(5) Supplement 5, 23 July 1997, proposed a shooting range with a parking lot, road maintenance on an existing unsurfaced access road, and 3 minimum facilities for public health and safety including a 5 car/trailer access lot, and a 20 car gravel access lot. It also reflected a boundary change due to a recent land acquisition. Total estimated cost for all projects with contingencies was \$155,250. The St. Louis District Engineer approved the supplement on 23 July 1997.

(6) Supplement 6, 12 February 1999, proposed six comfort station shower additions at Ray Behrens and Indian Creek, two handicapped fishing accesses in the Spillway, an extension to the Joanna Trail, land acquisition for the Joanna Trail, relocation of the John F. Spalding bathhouse and the Indian Creek comfort station to higher ground, expansion of the Spalding wastewater treatment plant, continuation of special emphasis programs for youth, seniors and physically challenged individuals in various recreation areas, construction of a non-discharge sewage treatment lagoon and upgrade of the vault toilet to waterborne with a shower facility in the South Spillway Recreation Area, and designation of the Joanna Loop in the Frank Russell Campground for equine use. Total cost of proposed items is \$1,560,436. The supplement was approved by the St. Louis District Engineer on 16 February 1999.

(7) Supplement 7, 24 August 2001, proposed re-designating the Mark Twain State Park marina site as a beach, adding a swimming facility at Camp Colborn, Mark Twain State Park, upgrading the campsite electrical service at the Indian Creek and Ray Behrens Recreation Areas, adding two shelters and an earthen berm with a concrete retention wall at the special events area of the South Spillway Recreation Area, adding an archery range at the Ray Behrens Recreation Area, and installing full hookups at campsites in the Indian Creek and Ray Behrens Recreation Areas. Total estimated cost was \$1,163,750. Supplement was approved by St. Louis District Engineer on 24 August 2001.

(8) Supplement 8, 8 March 2002 proposed renaming the M.W. Boudreaux Group Use Area in recognition and memory of John C. "Jack" Briscoe for his outstanding leadership, contributions and support to Northeast Missouri and to the Clarence Cannon Dam and Mark Twain Lake project. Total estimated cost

was \$1300.00. Supplement was approved by St. Louis District Engineer on 12 March 2002.

1.05 APPLICABLE PUBLIC LAWS

Development and management of Federal reservoirs for various purposes is provided under several statutes. These laws cover development of recreation facilities, licensing of project lands for fish and wildlife purposes, protection of natural resources, and leasing of project lands for incidental uses other than recreation. In addition, applicable legislation for cultural resource protection at this project is listed.

a. Recreation. Development and management of recreation facilities by the Corps, other governmental agencies, local groups, or individuals is authorized under the following public laws:

(1) Section 4 of the Flood Control Act, approved 22 December 1944 (PL 78-534), authorizes providing facilities for public use, including recreation, and conservation of fish and wildlife.

(2) The River and Harbors Act, approved 2 March 1945 (PL 79-14), specifies the rights and interests of the states in watershed development and water utilization and control, and the requirements for cooperation with state agencies in planning for flood control and navigation improvements.

(3) Section 209 of the Flood Control Act of 1954 (PL 83-780), approved 3 September 1954, amended the Flood Control Act of 1944. It authorized the Secretary of the Army to grant leases to federal, state or governmental agencies without monetary considerations for use and occupation of land and water areas under the jurisdiction of the Department of the Army for park and recreation purposes when in the public interest.

(4) The Land and Water Conservation Fund Act of 1965 (PL 88-578), approved 1 September 1964, contains provisions by which the Corps may charge for admission and use of its recreation areas under prescribed conditions.

(5) The Federal Water Project Recreation Act (PL 89-72), approved 9 July 1965, contains cost sharing provisions for acquisition of lands and development of recreation facilities for water resources projects authorized after 1965. It also provides for cost sharing development of new areas that were not part of initial project construction.

(6) The Architectural Barriers Act of 1968 (PL 90-480), together with the acts and amendments listed in 7, 8, and 9 below, provides information and guidance regarding universal accessibility for persons with disabilities to the Corps recreation facilities and programs.

(7) The Rehabilitation Act of 1973 (PL 93-112) and the Rehabilitation Act Amendments of 1974 (PL 93-516) (see Architectural Barriers Act above).

(8) The Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 (PL 95-602) (see Architectural Barriers Act above).

(9) The Americans with Disabilities Act of 1990 (PL 101-336) (see Architectural Barriers Act above).

(10) The Water Resources Development Act of 1992 (PL 102-580), approved 31 October 1992, authorized the Challenge Cost Sharing Program (Section 225) that permits the Corps to develop and implement a program to accept contributions of funds, materials and services from non-Federal public and private entities to be used in managing recreation facilities and natural resources. This is now known as the Challenge Partnerships programs.

(11) The Omnibus Budget Reconciliation Act - Day Use Fees, approved 10 August 1993 (PL 103-66), contains provisions by which the Corps may collect fees for the use of developed recreation sites and facilities, including campsites, swimming beaches, and boat launching ramps but excluding boat launching ramps in undeveloped or lightly developed areas with minimum security and illumination.

(12) The Water Resources Development Act of 1996 was approved 12 October 1996. Section 208 (Recreation Policy and User Fees) directed the Corps to put increased emphasis on recreation opportunities at Corps projects and specifies that a portion of recreation fees collected at Corps projects remain for use at the project where they are collected. Section 519 (Recreation Partnership Initiative) directed that, in general, the Corps is to promote federal, non-federal, and private sector cooperation in creating public recreation opportunities at Corps projects.

b. Fish and Wildlife. Fish and wildlife resources are maintained and protected in compliance with the following public laws:

(1) The Fish and Wildlife Coordination Act, enacted 10 March 1934, as amended, 14 August 1946 (PL 79-732), 1958 (PL 85-624), provides authority for making project lands of value for wildlife purposes available for management by interested federal and state wildlife agencies. It further provides for more effective integration of a fish and wildlife conservation program with federal water resources developments.

(2) The National Environmental Policy Act of 1969, as amended (42 USC 4321 et seq), declares a national environmental policy and requires that all federal agencies shall, to the fullest extent possible, use a systematic, interdisciplinary approach which integrates natural and social sciences and environmental design arts in planning and decision making.

(3) The Endangered Species Act of 1973 as amended (16 USC 1531 and 1536) requires that federal agencies shall, in consultation with the U.S. Fish and Wildlife Service (USFWS) (or the National Marine Fisheries Service), use their authorities in furtherance of conserving endangered and threatened species and take such action as necessary to assure that their actions are not likely to jeopardize such species or destroy or modify their critical habitat.

(4) The Water Resource Development Act of 1986, Section 1135, provides for modifications in the structures or operations of a project, consistent with authorized project purposes to improve the quality of the environment, i.e. restoration of fish and wildlife habitat. WRDA 1996 amended Section 103 of WRDA 1986 by specifying that the non-federal share of environmental restoration and protection projects shall be 35 percent.

(5) Executive Order 12962, 7 June 1995, entitled Recreational Fisheries directs Federal agencies to improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities by means of a number of duties. In addition, it establishes a National Recreational Fisheries Coordination Council consisting of seven members (including one designated by the Secretary of Defense). The "Coordination Council" is charged with developing a comprehensive Recreational Fishery Resources Conservation Plan. This EO also directs all Federal agencies to identify and minimize conflicts between recreational fisheries and their responsibilities under the Endangered Species Act of 1973 and expands the role of the Sport Fishing and Boating Partnership Council.

c. Forest Resources - Protection and Improvement of Natural Resources. The Forest Conservation Act (PL 86-717) approved 6 September 1960, provides for the protection of forest cover in reservoir areas, and specifies that reservoir areas of projects for flood control, navigation, hydroelectric power development, and other related purposes, owned in fee and under the jurisdiction of the Secretary of the Army and the Chief of Engineers, shall be developed and maintained so as to encourage, promote and assure fully adequate and dependable future resources of readily available timber through sustained yield programs, reforestation, and accepted conservation practices, and to increase the value of such areas for conservation, recreation and other beneficial uses; provided, that such development and management shall be accomplished to the extent practicable and compatible with other uses of the project. The law further provides that in order to carry out the national policy declared in the first section of this Act, the Chief of Engineers, under the supervision of the Secretary of the Army, shall provide for the protection and development of forest or other vegetative cover and the establishment and maintenance of other conservation measures on reservoir areas under his jurisdiction, so as to yield the maximum benefit and otherwise improve such areas. Programs and policies developed pursuant to the preceding sentence shall be coordinated

with the Secretary of Agriculture, and with appropriate state conservation agencies.

d. Other Incidental Uses. Title 10, United States Code, Section 2667, authorizes the lease of land at water resource projects for any commercial or private purpose not inconsistent with other authorized purposes, subject to specific restrictions thereupon, as set out in regulations, policy, and Delegations of Authority. Title 16, United States Code, Section 460d, authorizes use of public lands for any public purpose, including fish and wildlife, if it is in the public interest. Such uses are also subject to regulations, policy and Delegations of Authority. The use of project lands for easements and licenses is authorized in various Congressional Acts and codified in Titles 10, 16, 30, 32 and 43 of the United States Code. Lands and rights-of-way will be acquired pursuant to provisions of the Uniform Real Property Acquisition and Relocation Assistance Act of 1970, PL 91-646, as amended.

e. Cultural and Historical Considerations. A number of laws mandating the protection of cultural resources on public lands have been passed during the past 95 years. These laws and Executive Orders are summarized in Appendix A of the St. Louis District Cultural Resource Management Policy (April 1982). The following laws subsume, clarify or supersede all previous cultural resource law:

(1) The National Historic Preservation Act of 1966 (PL 89-665) approved 15 October 1966, as amended through 2000 (PL 91-243, PL 93-54, PL 94-422, PL 94-458, PL96-1999, PL 96-244, PL 96-515, PL98-483, PL 99-514, PL 100-127, PL 102-575, PL 103-437, PL 104-333, PL 106-113, PL 106-176, PL 106-208, and PL 106-355), states a policy of preserving, restoring, and maintaining cultural resources and requires that federal agencies take into account the effect any undertaking may have on sites that may be eligible for inclusion on the National Register of Historic Places.

(2) The Archaeological and Historic Preservation Act of 1974 [as amended (16 USC 469-469c)], amended the 1960 Reservoir Salvage Act (PL 86-523), and provides for the preservation of historical and archaeological data that might otherwise be lost or destroyed as the result of flooding or any alteration of the terrain caused as a result of any federal construction projects.

(3) American Indian Religious Freedom Act of 1978 (PL 95-341) enacted on 11 August 1978, protects the rights of Native Americans to exercise their traditional religions by ensuring access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites

(4) The Archeological Resources Protection Act of 1979 (16 USC 470 et seq.), PL 96-95, 96th Congress Revision and update of 1906 Antiquities Act protects archaeological resources and sites that are on public lands and Indian

land, and fosters increased cooperation and exchange of information between governmental authorities, the professional community, and private individuals.

(5) The Native American Graves Protection and Repatriation Act (PL 101-601) was enacted on 16 November 1990 and requires federal agencies and museums to inventory and summarize human remains, funerary objects, sacred objects, and objects of cultural patrimony and to provide this information to potentially affiliated Native American Tribes. The Act requires repatriation of these items, upon request and following the guidelines in 43 CFR Part 10, to the cultural affiliated tribe(s) and establishes a grant program within the Department of the Interior to assist tribes with repatriation and museums in preparing the inventories and collection summaries. The act also outlines the procedures that Federal agencies must follow in the event of an inadvertent discovery or intentional excavation of human remains and funerary objects from federal or tribal lands.

(6) Indian Sacred Site, Executive Order 13007, signed on 24 May 1996, directs federal land-managing agencies to accommodate Native American use of sacred sites for religious purposes and to avoid adversely affecting the physical integrity of sacred sites. Agencies are required to develop procedures for reasonable notice to tribes of a proposed action or land management policy that may restrict access to, or ceremonial use of, a sacred site or adversely affect its physical integrity.

(7) The Water Resources Development Act of 2000, Section 208, authorizes the army to rebury Native American human remains that were discovered on Civil Works project lands and have been rightfully claimed by a tribe on those lands.

1.06 MISSION STATEMENT

Programs and activities related to environmental stewardship and the Natural Resource Management Program have as their design base the following Corps of Engineers Civil Works mission statement:

“The Army Corps of Engineers is the steward of lands and waters at Corps water resources projects. Its Natural Resources Management Mission is to manage and conserve those natural resources, consistent with ecosystem management principles, while providing quality public outdoor recreation experiences to serve the needs of present and future generations.

In all aspects of natural and cultural resources management, the Corps promotes awareness of environmental values and adheres to sound environmental stewardship, protection, compliance and restoration practices.

The Corps manages for long-term public access to, and use of, the natural resources in cooperation with other federal, state, and local agencies as well as the private sector.

The Corps integrates the management of diverse natural resource components such as fish, wildlife, forest, wetlands, grasslands, soils, air and water with the provision of public recreation opportunities. The Corps conserves natural resources and provides public recreation opportunities that contribute to the quality of American life.”

1.07 SCOPE OF REPORT

This memorandum is the second update of the Clarence Cannon Dam and Mark Twain Lake Master Plan. It is primarily oriented to reflect current conditions and eliminate outdated information concerning the allocation of lake resources. This update reflects the current status of Clarence Cannon Dam and Mark Twain Lake land and water use classifications and the status of proposed and future plans.