

Shoreline Management Plan



Eufaula Lake

Canadian River, Oklahoma



**US Army Corps
of Engineers®**
Tulsa District

2013



Reply to
Attention of:

DEPARTMENT OF THE ARMY
SOUTHWESTERN DIVISION, CORPS OF ENGINEERS
1100 COMMERCE STREET, SUITE 831
DALLAS, TEXAS 75242-1317

CESWD-PDO

07 JUN 2013

MEMORANDUM FOR Commander, Tulsa District

SUBJECT: Shoreline Management Plan for Eufaula Lake

1. Reference memorandum, CESWT-PE-E, 16 May 2013, Eufaula Lake, Canadian River, Oklahoma; Eufaula Lake Shoreline Management Plan Revision.
2. The Record of Decision on the Final Environmental Impact Statement for Eufaula Lake has been signed, a copy enclosed, and the revised Shoreline Management Plan for Eufaula Lake is approved.

Encl


THOMAS K. KULA
Brigadier General, USA
Commanding

CESWT-OD-EE

MEMORANDUM THRU Chief, Operations Division

FOR Commander, Tulsa District

SUBJECT: Administrative Changes to the Eufaula Lake Shoreline Management Plan (SMP)

1. Reference: Title 36 CFR Part 327.30, Shoreline Management at Civil Works Projects, published in the Federal Register with the effective date of 27 July 1990.
2. Part 327.30(e) (7) of the above reference provides District Commanders with the authority to make minor revisions to a Shoreline Management Plan (SMP) when the revisions are consistent with policy and funds for a complete plan update are not available.
3. Reference page 17 of the Eufaula Lake SMP under Vegetation Modification Permits. This section explains the requirement of vegetative modification permit holders to leave a buffer strip adjacent to the lake. However, it does not provide the width of the buffer requirement. For clarification, it is important this information be added to the SMP. Therefore, I recommend a change in this section to clearly identify the shoreline vegetation buffer as a **forty-five foot** strip of land between the shoreline and private property where only limited trimming of trees and shrubs is allowed; as reviewed in the Environmental Impact Statement and approved in the Record of Decision.
4. Reference page 24 of the Eufaula Lake SMP under Off-Road Vehicle Use. This section contains exceptions as to when vehicles can be used on Government property but are prohibited off authorized roadways. I recommend another bullet be added to this section identifying Motor Vehicle Access for People with Disabilities (MVAPD) Permit holders be authorized for off-road vehicle use.


JEFF KNACK
Operations Project Manager
Eufaula Lake Office

Approved Disapproved

Date: 29 Apr 15


RICHARD A. PRATT
Colonel, EN
Commanding

STAFF SUMMARY

1. FROM
CESWT-ODN-R

2. SUBJECT
Administrative changes to Lake Eufaula Shoreline Management Plan.

3a. TO
Christopher A. Hussin, Commander

3b. SUSPENSE:

3c. DATE
14 August 2017

4. SUMMARY OF ACTION REQUESTING COORDINATION:

This is an administrative change to the Lake Eufaula Shoreline Management Plan (SMP), to remove the parts of the SMP that are contradictory to ER 1130-2-550 Chapter 17 (Recreations, Operations, and Maintenance Policies), to clarify spacing and density criteria for private floating facilities, and to include the requirement criteria to qualify for a mooring buoy on Lake Eufaula

5. ACTION OFFICER NAME AND PHONE NUMBER:
Joe L. Custer
(918) 669-4937

6. DIRECTORATE/OFFICE
CESWT-ODN-R

SIGNATURE 

7. COORDINATION

8. COMMANDI SECTION STAFFING

Office	Concur (initials)	Non-Concur* (initials)	Date	Recommend	Approval (initials)	Non-Concur* (initials)
OD - NOLEN x7381	<i>LCM</i> 8/21/17		8/24	<i>JPH</i> DPM	<i>JL</i>	
OD - DUNLAP x7408	<i>RD</i> 8/21/17		25 AUG 2017	DDE	<i>Out</i>	
OD - GROVES x7937	<i>Em</i>			DE /s/ Christopher A. Hussin		
OC - FRANCIS x7364	<i>RC</i> 8/21/17					

10. Command Section Remarks

9. *Non-concurrences require Comment.



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, TULSA DISTRICT
1645 SOUTH 101st EAST AVENUE
TULSA, OKLAHOMA 74128-4609

CESWT-ODE

MEMORANDUM THRU Chief, Operations Division

FOR Commander, Tulsa District

SUBJECT: Administrative Changes to the Eufaula Lake Shoreline Management Plan (SMP)

1. Reference: Title 36 CFR Part 327.30, Shoreline Management at Civil Works Projects, published in the Federal Register with the effective date of 27 July 1990.
2. Part 327.30(e) (7) of the above reference provides District Commanders with the authority to make minor revisions to a Shoreline Management Plan (SMP) when the revisions are consistent with policy and funds for a complete plan update are not available.
3. Reference Chapter 17, Non-Recreation Outgrant Policy, Change 6 to ER 1130-2-550, dated 30 September 2013. Paragraph 17-3 states "The primary rationale for authorizing any future non-recreational outgrant request for use on Corps lands or waters will be one of two reasons: there is no viable alternative to the activity or structure being located on Civil Works land or waters; or, there is a direct benefit to the government." Removal items are highlighted in yellow on enclosed SMP. Exhibit C is edited to reflect pre-existing license guidelines.
4. Reference page 11 of the Eufaula Lake SMP under Spacing and Density. This section contains language explaining when maximum density will occur within a particular area of suitable shoreline. Recommended language would be as follows: "Maximum density occurs when there exists, for any given area of shoreline allocated as Limited Development and suitable for Private Floating Facilities (PFF), a situation wherein no further floating facilities can be placed without violating the 50 percent density policy." "When calculating 50 percent density, the calculation will use the width of the PFF, including associated anchorages that restrict the full unobstructed use of that portion of shoreline, plus the spacing associated with the PFF."
5. Reference page 9 of the Eufaula Lake SMP concerning Mooring Buoys. Clarification should be added on what criteria is required to qualify for placement of

CESWT-ODE

SUBJECT: Administrative Changes to the Eufaula Lake Shoreline Management Plan (SMP)

a mooring buoy. I recommend adding the same language as qualifications of a new PFF. New language should read: "Qualification criteria to place a mooring buoy is the same as criteria of qualifying for a new Private Floating Facility."



JEFF KNACK
Operations Project Manager
Eufaula Lake Office

Encl

Approved Disapproved



CHRISTOPHER A. HUSSIN
Colonel, EN
Commanding

Date: 25 AUG 2017

**SHORELINE MANAGEMENT PLAN
SUPPLEMENT TO THE
EUFAULA LAKE
OPERATIONAL MANAGEMENT PLAN**

**DEPARTMENT OF THE ARMY
TULSA DISTRICT CORPS OF ENGINEERS
TULSA, OKLAHOMA
2013**

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INTRODUCTION

PURPOSE

The purpose of the Eufaula Lake Shoreline Management Plan (SMP) is to establish policy and guidance for the protection of desirable environmental characteristics of the lake and restoration of the shoreline where degradation has occurred.

POLICY

It is the policy of the Chief of Engineers to protect and manage shorelines of all Civil Works water resource development projects under Corps jurisdiction in a manner which will promote the safe and healthful use of these shorelines by the public while maintaining environmental safeguards to ensure a quality resource for use by the public. Authority for administering this policy is granted under Public Laws 86-717 and 87-874 which charge the Chief of Engineers with the exercise of good conservation practices which promote recreation and with the operation and maintenance of water resource projects in the public interest.

REFERENCES

- Section 4, 1944 Flood Control Act, as amended (16 USC 460d).
- The Rivers and Harbors Act of 1894, as amended and supplemented (33 USC 1).
- Section 10, Rivers and Harbors Act of 1899 (33 USC 403).
- National Historic Preservation Act of 1966 (P.L. 89-665; 80 Stat. 915) as amended (16 USC 470 et seq.).The National Environmental Policy Act of 1969 as amended (42 USC 4321, et seq.).
- The Clean Water Act (33 USC 1344 et seq.).
- The Water Resources Development Act of 1986 (P.L. 99-662).
- Title 36, Chapter III, Part 327, Code of Federal Regulations, “Rules and Regulations Governing Public Use of Water Resources Development Projects Administered by the Chief of Engineers”.Executive Order 12088 (13 Oct 1978), Federal Compliance with Pollution Control Standards.
- 33 CFR 320-330, “Regulatory Programs of the Corps of Engineers”.
- ER 1130-2-540, “Management of Natural Resources and Outdoor Recreation at Water Resource Projects”.
- EM 385-1-1, “Safety and Health Requirements Manual”.
- The Federal Water Pollution Control Act of 1972 (FWPCA).
- ER 1130-2-540, “Historic Preservation Program”.
- Executive Order 11990, “Protection of Wetlands”.
- Endangered Species Act of 1973, as amended.
- Federal Insecticide, Fungicide, and Rodenticide Act of 1972, as amended (P.L. 92 516).
- ER 1130-2-406, Shoreline Management at Civil Works Projects (31 Oct 1990).
- Reservoir/Forest Cover Act of Sept. 6, 1960 (P.L. 86-717).
- ER 405-1-12, Real Estate Handbook, as amended.
- Executive Order 13514, “Federal Leadership in Environmental Energy and Economic Performance”

HISTORY AND BACKGROUND

EUFAULA LAKE

Eufaula Lake was authorized by the 1946 Rivers and Harbors Act. It is a unit of the Comprehensive Plan of Development of the Arkansas River Basin with the multiple purposes of flood control, hydroelectric power, navigation, water supply, fish and wildlife management and recreation. Eufaula Dam is located on the Canadian River (mile 27) in McIntosh and Haskell Counties, Oklahoma. Construction of the dam began in December 1956. It was placed in operation in February 1964. The lake has a total of 105,000 surface acres and over 800¹ miles of shoreline at the conservation pool elevation of 585.00 feet above mean sea level (AMSL). The top of the flood control pool is at 597.00 feet AMSL for a total difference in functional pool elevation of 12 feet.

SHORELINE MANAGEMENT

A comprehensive Lakeshore Management Plan for Eufaula Lake was completed in 1976. At that time there were approximately 365 private floating facilities, along 26 miles of shoreline, located in selected coves next to developments. In 1981, the plan was updated and adjustments were made to accommodate development patterns. At the time of the 1981 revision there were 452 permitted private floating facilities and 42 miles of *Limited Development* shoreline. In 1986, after intensive public outreach in three public meetings at locations on Eufaula Lake and in Oklahoma City, Oklahoma, the amount of *Limited Development* shoreline increased to a total potential of 130 miles. This was an estimate based on the technology in place at the time. The actual mileage, based on current measurement techniques, was likely much larger. All of the expansion of *Limited Development* was the result of conversion of *Protected* shoreline. All other zoning remained the same.

The lakeshore management plan was again reviewed in 1991. There were no significant changes made at that time. In 1996, the lakeshore management plan, now referred to as a Shoreline Management Plan, was again reviewed and revised with public input resulting in the 1998 Eufaula Lake SMP. This plan increased the *Limited Development* allocation to 22 percent (about 271 miles) of the shoreline. At the time, it was reported that this represented 132 miles of shoreline. Current measurements based on highly accurate GIS data shows it was actually over 271 miles of shoreline. Also as part of this revision, the undeveloped portion of *Public Recreation* zoned shoreline was converted to *Protected* shoreline. At the time of this revision, there were 1,100 private floating facilities.

The current SMP revision began in May of 2011 with the preparation of an Environmental Impact Statement (EIS). At the time of this review and revision, approximately 1543 private floating facilities were permitted. This number was generated after all permits were verified and

¹Total shoreline miles have varied throughout the years from 600 to over 800 miles based on best available data at the time. The total miles or total miles within an allocation are estimates based on current, highly accurate GIS data. These figures are not directly comparable to estimates in previous SMP's.

brought up to date, which resulting the removal of over 300 unnecessary, duplicate or invalid permits, most of which were vegetation modification permits.

SHORELINE USE PERMITS

Eufaula Lake is located in a primarily rural, but highly accessible, portion of the State of Oklahoma. Privately-owned residential properties adjacent to the lake continue to be developed. Likewise, existing residential developments are expanding, resulting in an increased demand for private use of public resources. Each year applications continue to be filed for new permits for vegetative modifications, floating facilities, or utility easements/licenses, and other permitted activities. Figure 1 shows the past and projected number of permits through 2023.

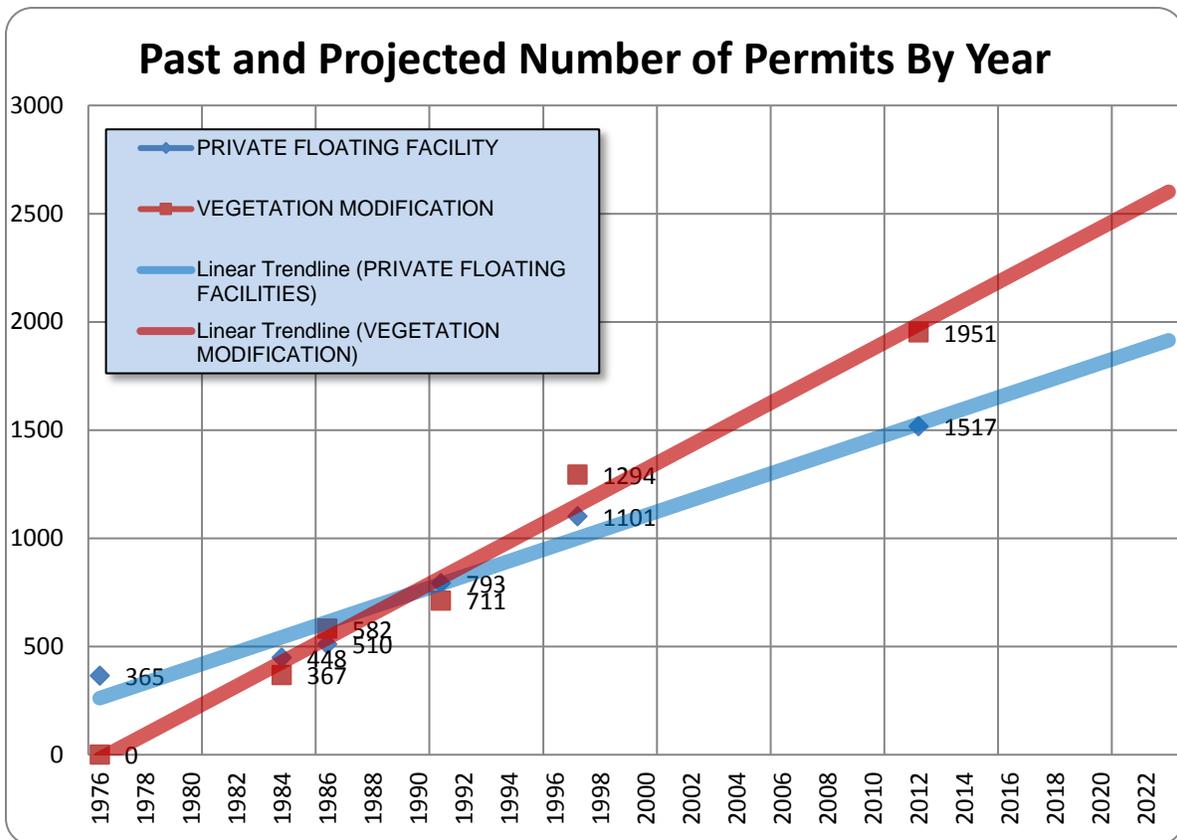


Figure 1 Projected Growth in Number of Permits Through 2023

The number of shoreline-use permits issued over the past 36 years has continued to grow at a nearly steady rate. It is anticipated that the demand for permits and licenses for use of public lands and waters will continue to increase as adjacent lands continue to be developed for housing. Over the next 10 years, the number of vegetation modification permits is expected to increase by approximately 650 to 2,600. The number of private floating facility permits is expected to increase by approximately 400 to over 1,900.

PUBLIC INVOLVEMENT

In 1974, the Lakeshore management regulation was published in the Federal Register requiring public input into the plans. These plans were derived as a result of input from the Lake Eufaula Association and other interested parties and were approved by the Southwestern Division Engineer in 1976. Since that time, a review of this plan has been accomplished on regular intervals. In 1996, the Shoreline Management Plan was again reviewed by conducting a 30-day comment period and one public workshop. The 1996 review and update of the Eufaula Lake Shoreline Management plan was the last one completed and was finalized in 1998. Regulations call for shoreline management plans to be open for review and comment on a 5 year cycle. This schedule has not been met because of a decision made by the Tulsa District Commander to not update SMPs in this district until an Environmental Impact Statement (EIS) is completed that evaluates the cumulative impacts of the shoreline management program since its implementation in 1976. This current revision also included public participation in the form of several comment periods and informational public meetings conducted as part of the preparation of an Environmental Impact Statement. This EIS provides the documentation of the impacts of the program and will allow for future revisions of this plan.

DESCRIPTION OF SHORELINE

DESCRIPTION

The total shoreline length at Eufaula Lake at the conservation pool elevation of 585 AMSL is over 800 miles. The land surrounding the lake is predominately flat with intermittent rolling hills. The lake's shoreline varies from rocky bluffs to sandy beaches. The adjacent landscape is composed of vast forests composed of mixed oak, hickory, hackberry, sand plum, and various other trees. Extensive fields of big bluestem, little bluestem, Indian grass, and switchgrass exist on the flat areas surrounding the lake.

PRESENT LAND USE

The total fee-owned lands above the normal power pool elevation of 585.00 AMSL is 65,586 acres, of which 133 acres are used for Project Operations; 10,661 are used for High Density Recreation; 9,928 acres are used for Multiple Resource Management – Low Density Recreation; 7,872 Multiple Resource Management – Low Density Recreation in Limited Development, 5,205 acres are categorized as Environmentally Sensitive or Multiple Resource Management – Vegetation Management; 218 acres are categorized as Multiple Resource Management – Future/Inactive Recreation; 31,569 acres are used for Multiple Resource Management - Wildlife Management either managed directly by the Corps of Engineers or leased lands managed by the

Oklahoma Department of Wildlife Conservation(ODWC). Land classification categories are established in the Eufaula Lake Master Plan and provide the basic framework that will guide the development, management, and operation of all Area resources and facilities. Shorelines adjacent to all reservoir lands have been further classified into shoreline allocations as described in the Shoreline Allocation Section below.

PUBLIC USE

There are a wide variety of opportunities for the public to recreate on Corps property. In addition to the numerous pedestrian access corridors from adjacent neighborhoods, there are numerous county roads that end at Corps property near the lake. There are 10 Corps-operated parks, two State Parks, seven units of the ODWC Eufaula Wildlife Management Area and several recreational areas operated by municipalities. Currently, there are also at least 61 boat ramps providing access to the lake for boat launching.

PRIVATE DEVELOPMENT

Over the last 25 years, 84 new subdivisions were added in counties adjacent to the lake. This is an average of approximately three new subdivisions per year, though not all of these are adjacent to Corps land. At the present time there are more than 200 subdivisions adjacent to public lands. These subdivisions range from mobile homes to simple A-frame cabins to large luxury condominiums and homes.

SHORELINE ALLOCATION

GENERAL

In compliance with the Corps of Engineers' shoreline management regulation (ER 1130-2-406), the Eufaula Lake shoreline have been classified into four allocation categories. These allocation categories are described below and are in agreement with the Eufaula Lake Master Plan. These shoreline allocations are graphically depicted on the Shoreline Management Plan Allocations Maps presented as Exhibit D, located at the end of this plan.

ALLOCATIONS

Limited Development Shoreline (33% of Total Shoreline)

These areas are allocated for private activities, such as vegetative modification, and/or the mooring of privately owned floating facilities following the issuance of a permit in accordance with this SMP and current Federal Regulations. The density of development in these areas will not exceed 50 percent of allocated shoreline. New or relocated facilities that are to be anchored in these areas are to be located no closer than 75 feet from the nearest point of an adjacent facility. Approximately 265 miles of shoreline are allocated for *Limited Development*.

Public Recreation Shoreline (14% of Total Shoreline)

These areas are designated as developed public recreational sites or Federal, State or similar public use and for commercial concessionaire facilities. Privately owned floating facilities will not be permitted in these areas. Modification of land form or vegetation by private individuals

will be permitted only after due consideration of the effects of such action on the environmental and physical characteristics of the area. Public organization recreation areas are also zoned under this allocation. Approximately 111 miles of shoreline are allocated for *Public Recreation*.

Protected Shoreline (53 % of Total Shoreline)

Protected shoreline areas are designated primarily to protect or restore aesthetic, fish and wildlife, cultural or other environmental values. Shorelines may also be designated in this category for physical protection reasons, such as heavy siltation, rapid dewatering, erosion or exposure to high wind, wave, and current action. Land access and boating are permitted along these shorelines, provided aesthetic, environmental and natural resource values are not damaged or destroyed, but private floating recreation facilities may not be moored in these areas. Modification of land form or vegetation by private individuals will be permitted only after due consideration of the effects of such action on the environmental and physical characteristics of the area. Approximately 432 miles of shoreline are classified as *Protected* shoreline.

Prohibited Access Shoreline (Less than 1% of Total Shoreline)

These shoreline areas are allocated for security reasons, the protection of ecosystems, and the physical safety of the recreation visitor; for example, certain hazardous locations, areas located near dams or spillways, and recreation areas. Mooring of private floating facilities and/or the modification of land form and vegetation are not permitted. Approximately one mile of shoreline is allocated as *Prohibited Access* areas.

FLOWAGE EASEMENT LANDS

There are lands at Eufaula Lake where the Corps of Engineers' real estate interest is limited to the right to flood the privately owned property commonly referred to as flowage easements. These flowage easements were purchased from private land owners in place of purchasing the property in fee title to minimize the amount of Corps-owned property. These easements are often located at higher elevations than the shoreline lands owned in fee title. Flowage easements allow USACE to flood these lands during high flows for flood control purposes.

Filling or construction on easement lands utilizes space allocated for the storage of flood waters. Therefore, these easements restrict certain uses of the private property. Habitable structures are not allowed to be constructed on flowage easement lands. Flowage easement landowners placing other structures directly on flowage easement lands require written consent from the Corps of Engineers. Any work on land with a flowage easement that would involve filling, dredging, or construction requires USACE review and approval prior to such activities.

Under Title 36, Chapter III, Part 327, Code of Federal Regulations, the Corps of Engineers has authority over all waters of the reservoir and all facilities thereon, regardless of ownership of the underlying land. Easement lands and inundated private property are therefore classified into shoreline use allocations similar to fee-owned lands. Adjoining landowners who desire to place private floating facilities on waters over flowage easement lands or inundated private property must obtain a Shoreline Use Permit from the Lake Manager.

SHORELINE USE PERMIT

The Corps of Engineers does not issue verbal approval for any private activity or facility. All approved private activities or facilities are only authorized in writing from the Corps of Engineers. The type of written authorization issued by the Corps depends on the type of activity or facility.

A Shoreline Use Permit is required for most private activities and/or facilities on public lands and waters owned by the Corps of Engineers at Eufaula Lake. Shoreline Use Permits are issued for private floating facilities, vegetation modification and certain other activities. These are governed by the regulations referenced in this Shoreline Management Plan.

Ownership, construction, operation, use and maintenance of a permitted/licensed facility and/or activity are subject to all permit conditions and 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. Upon request to the Eufaula Lake Office, permittee and/or owner information including name, address, phone number, and email on file related to any permits or licenses may be disclosed to local, county, state or federal law enforcement officials and taxing authorities requiring this information for the performance of their duties. This information will not be released to the general public except in accordance with the Freedom of Information Act (FOIA). All general public requests must be submitted to the Tulsa District Corps of Engineers FOIA Officer.

Shoreline Use Permits are non-transferrable and expire on the expiration date. The terms “transfer” or “renewal” are often used by the public to describe the issuance of a permit under the same number to either a different person or for a new period of time. Some Corps of Engineers forms and documents may use these terms to make permit processes easier to understand by the public.

GENERAL REQUIREMENTS

Shoreline Use Permits are normally issued for a period of five years. These documents contain general terms and conditions that are uniformly applicable to all permits issued (See Exhibit B). However, unique circumstances may require the establishment of additional terms and/or special conditions. All applications for Shoreline Use Permits on the reservoir are subject to approval by the Lake Manager. Requests for activities not specifically addressed in this plan should be submitted in writing to the Lake Manager for review. Where multiple different types of permits are authorized to a single user in the same location, these permits will be combined under a single permit number for fee payment purposes.

Shoreline Use Permit applications will be accepted throughout the year. Applications will be processed in the order they are received. Applicants must be at least 18 years of age. Applications can be made either via mail or in person at the Eufaula Lake Office. Applications must be signed and fees enclosed. All required documentation including construction plans, lists of materials and map of proposed location must be included. All construction plans must be certified by a licensed engineer. Issuance of a private Shoreline Use Permit does not convey any property rights or exclusive use rights to the permit holder.

Shoreline Use Permits are non-transferable and may be terminated when:

- Both the permittee and his/her legal spouse are deceased.
- Legal access to public property at the location of the permit is no longer available to the permittee. Loss of legal access usually occurs upon sale or transfer of adjacent private property unless the permittee retains some form of legal access rights to public lands.

Some pre-existing facilities or activities are authorized to the current permittee as prior commitments before the establishment of this plan. **Prospective adjacent property owners should not assume that currently permitted activities will be allowed to continue.**

Fees will be collected for specific permitted activities and facilities prior to the issuance of a Shoreline Use Permit. Fees for Shoreline Use Permits are to be mailed or delivered in person to the Eufaula Lake Office along with the necessary applications.

Individuals issued a Shoreline Use Permit must agree to give the Lake Manager or his representative access over their property for the purpose of inspecting permitted facilities or other activities.

The Corps of Engineers assumes no liability or responsibility for the safety of individuals engaged in any activity associated with private facilities or activities authorized by Shoreline Use Permit or license on public property. The permittee assumes full liability and responsibility for the safe conduct of the activity and must ensure the safe condition of any permitted structure.

All Shoreline Use Permits are issued and enforced in accordance with the provisions of Title 36, Chapter III, Part 327, Code of Federal Regulations. Failure to obtain the proper permits or noncompliance with any of the terms and conditions, general or special, may result in termination of the permit and/or issuance of a Notice of Violation.

Shoreline Use Permits are issued to individuals. Where multiple ownership exists, one of the individual owners must agree to be the permittee and act as a point of contact ensuring all owners receive information provided by the Corps of Engineers. All owners of permitted facilities must comply with the permit conditions.

PRIVATE EXCLUSIVE USE

Facilities or land to be managed under the guidance of this Shoreline Management Plan include all applicable facilities placed by private citizens on the shoreline and water areas and areas where vegetative modification will be permitted. The issuance of a Shoreline Use Permit does not convey any real estate or personal property rights or exclusive use rights to the permit holder. The public's right of access and use of the permit area must be maintained and preserved. Owners of permitted facilities may take necessary precautions to protect their property from theft, vandalism or trespass, but may in no way preclude the public right of pedestrian or vessel access to the water surface or public land adjacent to the facility.

MOORING BUOYS

Qualification criteria to place a mooring buoy is the same as criteria of qualifying for a new Private Floating Facility. Mooring buoys are authorized by a letter permit at no cost to the applicant. Additionally, there is no date of expiration for mooring buoys under the letter-permit

format. Mooring buoys may remain in the approved location until such a time as an application to place a floating facility on that site is made. In that case, the floating facility will take precedent and the mooring buoy must be moved to another suitable location or be removed from the lake.

Flotation shall be of materials which will not become waterlogged, are resistant to damage by animals, and will not sink or contaminate the water if punctured. All buoys shall be U.S. Coast Guard Approved.

PRIVATE FLOATING FACILITY PERMITS

Shoreline Use Permits are required for all private floating facilities, excluding registered vessels. As addressed in this plan, private floating facilities include all privately-owned boat docks, swim platforms, ski jumps, ski courses and swim floats whether single owner or multi-owner. Floating facilities are considered private structures. Because of this, the permittee may restrict use of the facility. All new permits for private floating facilities and any modifications to existing facilities must meet the requirements in this section.

The “community” and “privately-owned” floating facility designations in previous Shoreline Management Plans have been incorporated into a single set of requirements covering all private floating facilities. The requirements and restrictions are the same for all floating facilities with the exception of access requirements for a recognized homeowner’s association applicant which is similar to the access requirements of what previously were called “community” facilities.

APPLICATION

At the time of application for all new, change of ownership, modification of existing or reissuing an expiring permit, the permit applicant must provide the name and contact information for the owner(s) for each slip in the facility. Additional requirements may apply. Check with the Eufaula Lake Office for current requirements.

New or Modification to Existing Facility

An applicant for a new private floating facility will be issued a permit in the name of the new owner only. Applications must be submitted to the Lake Manager, accompanied by 1) two sets of plans and specifications signed and certified by a licensed engineer including: engineering details, structural design, anchorage method, construction material, the type, size, location, owner’s address, email address and the telephone number; 2) proof of legal access or adjacent land ownership, including a scale map or plat sufficient to determine the common boundary and 3) a statement of willingness to abide by the rules, regulations, and conditions of the permit (See Exhibit B). After the plans are approved, the Corps of Engineers will provide written authorization to construct the facility. Only after receiving written authorization may construction begin. All permits are issued on a first-come, first- served basis. Permits for new structures will only be issued for facilities to be placed in areas designated for *Limited Development* and determined to be suitable.

Change of Ownership

Applications for change of ownership will only be approved for existing permitted facilities. If the permitted facility is no longer on the lake, not at the approved location or was never constructed, the permit cannot be changed to a new owner. An applicant requesting change of ownership of an existing private floating facility permit must submit a signed application, a bill of sale or other proof of ownership transfer from the current permittee and a check or money order for the permit fee.

Reissue (permit renewals)

Applications for “renewal” of expiring permits require the applicant to submit a signed application form and a check or money order for the permit fee. The permit will then be reissued with a new expiration date to the existing permittee. All permit conditions of the new permit will apply at that time.

APPLICANT ACCESS REQUIREMENTS

Reissue (permit renewals) and Change of Ownership of Existing Facilities

Permittees and applicants must maintain legal access to their private floating facilities. However, no documentation of this will be required at the time of application for reissue of existing permits or change in ownership of a facility.

New Construction or Relocating Existing Facilities

All persons applying for a Shoreline Use Permit to install a new, replace an existing or relocate an existing facility must have proof of direct legal access to Corps property. Where the access is not fee title ownership, the Lake Manager will determine the point to be used as the center of the common boundary for the purposes of determining the location requirements for the facility, which generally will be the center of the common boundary line of the parcel on which the easement, etc. is recorded.

The applicant must provide a recorded deed or easement agreement. Easements, etc. must be perpetual. Temporary or time-limited easements, etc. will not be considered sufficient for access. A plat of the adjacent private property, with the dimensions of ownership or easement clearly delineated, must be furnished for inclusion in the Shoreline Use Permit application. In situations where a minor public road and public land have a common boundary, adjacent landowners along this road/boundary may be considered as having access. State highways, major highways, interstates or other restricted access roadways cannot be used in this way for access.

Use of a single adjacent parcel of land (or multiple easements, leases, etc. on a single parcel of land) as access for the permitting of or construction of multiple facilities is prohibited. Each parcel may only be associated with a single private floating facility for the purpose of establishing access.

Replacement of Existing Facilities

Applicants requesting to replace an existing facility must meet the same access requirements as applicants for new or relocating facilities.

Requests from Homeowner's Associations

In subdivisions where a dedicated easement or access corridor provides legal access to public lands and waters for all subdivision landowners, the access corridor will be considered a legal access for applications from a registered homeowner's association only. Homeowner's associations must be not for profit entities registered with the State of Oklahoma under the name of the subdivision. The location of the facility will be determined in the same manner as the Location and Spacing Requirements section, substituting the access corridor for the adjacent land ownership.

LOCATION AND SPACING REQUIREMENTS

Location

No facility will extend out from the shoreline more than one-third the total width of any particular cove, as determined by the Corps of Engineers. Facilities cannot render any portion of a cove non-navigable or create any navigation hazard.

No facility will be permitted on shorelines within 300 feet of bridges, road crossings, boat ramps, water intake structures, certain other manmade structures, and road ends, measured perpendicular to the right-of-way and from the edge of the road fill.

New floating facilities or movement of existing facilities will be allowed in the areas of Eufaula Lake's shoreline allocated as *Limited Development* and found to be suitable for floating facilities as indicated on the shoreline zoning maps. The entire facility must be located within the suitable shoreline. No new floating facilities will be allowed in other shoreline allocations except for facilities located in areas covered by real estate outgrants.

The relocation of an existing or installation of a new private floating facility will only be approved at the point on the 585 AMSL shoreline that is the closest point to the center of the common private/Corps boundary line (See Applicant Access Requirements section), as determined by the Corps of Engineers. The facility may be approved up to 125 feet from this point on the shoreline if minimum spacing requirements aren't met, a hazard condition exists at that location, or if the location is not suitable but suitable shoreline exists within 125 feet. The 125 feet will be measured along the 585 AMSL elevation shoreline, as determined by the Corps of Engineers. Private floating facilities may not be moved to other locations without written permission from the Lake Manager.

Spacing and Density

Each floating facility is to be located no closer than 75 feet from the nearest point of an adjacent facility. This 75 foot spacing will be measured from the point of any existing facilities nearest to the proposed new facility. All distances will be measured at the power pool level of 585.00 ft. AMSL elevation. Add-ons for jet ski storage and all other attachments to the facilities will be considered part of the facility with regards to the spacing requirement.

Maximum density occurs when there exists, for any given area of shoreline allocated as *Limited Development* and suitable for Private Floating Facilities (PFF), a situation wherein no further floating facilities can be placed without violating the 50 percent density policy. When calculating 50 percent density, the calculation will use the width of the PFF, including associated anchorages that restrict the full unobstructed use of that portion of shoreline, plus the spacing

associated with the PFF. No other new floating facilities can be permitted within this area as long as this situation exists. In all cases, sufficient open area will be maintained for safe maneuvering of watercraft. When a portion of *Limited Development* shoreline reaches maximum density, notice will be given to the public and facility owners in that area that no additional facilities will be allowed. In those cases where current density of development exceeds the maximum, the density will be reduced to the prescribed level through attrition. New construction or modification of facilities will not be approved in these areas until the minimum spacing requirements are met.

PRE-EXISTING AND GRANDFATHERED FACILITIES

Pre-existing Facilities

Facilities that were properly permitted and constructed in accordance with a previous Shoreline Management Plan are authorized to remain in place, even if not in compliance with the current SMP. This authorization expires if a facility is modified, moved, damaged beyond repair or requested to be replaced. Any replacement structure will be considered a new facility, not a pre-existing facility. Any pre-existing facility that is altered, moved, relocated or replaced will be treated as a new facility and must meet all current shoreline regulations, including access and location requirements.

Minor repairs such as flotation replacement and routine maintenance will not void the pre-existing facility status. Major repairs or replacement of portions of superstructure or frame will be considered as a replacement of the facility and the facility must meet all current shoreline regulations, including access and location requirements. In addition, if the facility represents a safety hazard, is damaged or deteriorated beyond repair or if the subframe or superstructure are no longer structurally sound, the facility must be removed from the lake.

Grandfathered Facilities

A Grandfather Rights Clause applies to two existing floating facilities located on Eufaula Lake. These two facilities are permits EU-315 and EU-316, issued to Millard L. Partin of Marina Village Boat Club Numbers 1 and 2, respectively. Both facilities are located in Brooken Cove South.

FACILITY SIZE REQUIREMENTS

No private floating facility will exceed the minimum size required to moor the owner's vessel(s) plus a minimum space for storage of items essential to watercraft operation. The maximum allowable size for a slip is 14 wide by 40 feet long.

All requests for new facilities or modification to existing facilities (including moving existing facilities) are restricted to no more than two (2) slips unless proof of need of more than two slips is documented. The documentation requirements include a vessel registration in the name of the slip owner for an appropriately sized vessel for all existing and proposed slips in the facility. No private floating facility may exceed 20 slips.

The maximum allowable size of a facility without slips (platform) is 320 square feet (16 feet by 20 feet). The minimum size for any facility is 8 feet by 10 feet.

MULTIPLE FLOATING FACILITIES

More than one floating facility may be permitted to the same individual when:

- An existing floating facility is purchased by a person who already has a floating facility. A change of ownership of the permit must be requested by the new owner.
- Multiple parcels or easements, etc. are owned by the same individual. Each parcel having a dwelling or one under construction may qualify for a floating facility.
- Any applicable grandfathered facility.

FACILITY CONSTRUCTION REQUIREMENTS

Requests for new facilities, relocation of existing facilities or modification of existing facilities must include plans signed by a licensed engineer. Alterations to the original approved plan may not be made without prior approval. Two-story structures, side walls, and sun decks/patios are prohibited. Additions of railings can generally be approved as long as they are securely fastened to the facility in a safe manner.

Minimum/Maximum Component Dimensions

The following are the minimum and maximum dimensions for components on any private floating facility:

<u>Component</u>	<u>Minimum Size (feet)</u>	<u>Maximum Size (Feet)</u>
Walkway (width)	3	4
Header (width)	4	6
Finger (width)	3	4
Slip Divider (width)	2	4
Slip (width)		14
Slip (length)		40
Walkway (length)		200

Walkways

Walkways must connect facilities to the shoreline and shall not be less than three (3) feet wide and not more than four (4) feet wide. Each floating walkway must have enough flotation to provide a stable walking platform or be one solid piece connecting the shoreline to the floating facility without touching water. Walkways cannot be supported by fixed piers or posts. Renovated facilities must meet these size requirements.

All walkways, fingers, headers, etc. of the floating facility must comply with the standard designs. Fingers may be altered to accommodate personal water craft. Special requirements for

handicapped accessible facilities may be approved on a case by case basis where need has been demonstrated.

All gates on walkways must be installed within five (5) feet of the floating facility. If a lock is used to secure the gate, it must be a combination lock and the Corps of Engineers must be provided with the combination for the purpose of inspection of the facility. Any changes in the combination must be provided to the Corps of Engineers.

Storage and Attachments

An enclosed storage area or locker not to exceed three (3) feet by six (6) feet floor dimension may be constructed for the storage of safety and equipment necessary for recreational boating. In addition, items associated with approved solar electric or licensed electric systems and centrifugal pumps associated with licensed water lines are authorized on floating facilities. Slides, diving boards, grills and other items not necessary for the safe moorage of a vessel or used for recreational boating may not be attached to facilities or stored on private floating facilities.

Attachments to private floating facilities for the storage of small watercraft such as jet skis may be authorized. All changes to floating facilities, including the installation of these attachments must be approved in writing by the Corps of Engineers before installation. The attachments will be counted in the total facility size for purpose of determining spacing requirements.

Flotation

Flotation units of private floating facilities shall be constructed of material that will not become waterlogged, are resistant to damage by animals and will not sink or contaminate the water if punctured. All new private floating facilities or pre-existing facilities requiring replacement of their flotation must use flotation which will meet the following requirements:

- **Expanded Polystyrene** must be encased with an approved protective covering
- **Polyurethane** must be encased with an approved protective covering
- **Extruded Polystyrene** is one of two currently approved materials which will not require the approved protective coating.
- **Polyethylene** does not require encapsulation.

These criteria will apply to all facilities which require replacement of their flotation material. In order to ensure that protective coverings are acceptable, a statement will be required from the foam manufacturer that the foam will be warranted for eight years against cracking, peeling, sloughing, and deterioration from ultra violet rays while retaining its resiliency against ice and bumps by watercraft. Existing flotation will be authorized until it has severely deteriorated and is no longer serviceable or capable of supporting the structure, at such time it must be replaced.

Anchoring

Design of anchorage systems will be included in the engineered plans for each separate structure. The plans must be developed in accordance with the site conditions of the location, taking into consideration the water depth, exposure to fetch, wind loads, and other factors affecting facility installation.

Permit Sign

Permit holders are required to post two metal tags with the current permit sticker affixed on their floating facility. These tags will be sent to the applicant upon initial inspection and approval of the newly constructed floating facility. One metal tag must be conspicuously displayed on the shoreline side and the other to the lake side. New stickers will be sent to the permittee at each reissuance of the permit. These stickers are to be placed over the old expiration date on the metal permit tags.

Decking

Flooring or decking shall be constructed of not less than 1 inch nominal rough boards, 2 inch x 6 inch treated wood or ¾ inch marine plywood and will be spaced in such a manner to allow for expansion. Coated metal, concrete, high performance wood alternative products or similar types of flooring and decking may also be approved. All decking materials must be noted on the submitted engineered plans. All wood material in the deck must be treated with a preservative. All decking and associated structures must be maintained in a safe condition. Failure to maintain any facility in a safe condition constitutes a deficiency and may result in issuance of a Notice of Violation or the revoking of the permit and removal of the facility.

Electric Service

Electric service for new floating facilities and those existing facilities without service must be supplied from an alternative power source (i.e. solar). This service must be installed by a licensed electrical contractor and meet the standards set forth by the current National Electrical Code. The installation must be signed and certified as meeting current National Electrical Code by a licensed electrical contractor.

Existing licensed electric lines providing service to private floating facilities will be allowed to remain so long as they are maintained in safe working condition and meet Corp standards (including license/easement and Shoreline Management Plan conditions) and all local and state codes and the requirements of the National Electrical Code. Power lines found to be in noncompliance or posing a safety hazard will be required to be removed from public property.

Wood Material

The use of wood in floating facility construction shall be limited to the decking of slip fingers, headers, and walkways. The use of wood will not be permitted below the waterline.

Metal Finish

All metal used in the construction of the floating facilities must be galvanized or have a patented enamel and/or anodized aluminum finish.

Structure Enclosure

Visual enclosure of the superstructure will not be allowed. However, the structure may be encompassed with galvanized or aluminum chain link fence or clear Plexiglas.

FACILITY REPAIR, MODIFICATION OR REPLACEMENT

The Corps of Engineers must be notified when voluntary replacement or alteration of floating facilities' plans are contemplated. **Installing additional walkways or add-ons for mooring**

small vessels such as jet skis are modifications and require prior written approval by the Corps of Engineers. Any work beyond minor repairs will require submission of engineered plans signed by a licensed engineer for the facility, if they are not already on file. All replacements or alterations must be in accordance with approved plans. All alterations to private floating facilities including relocation, changing structure or major repairs require written authorization from the Corps prior to any work taking place.

Inspections of floating facilities are performed periodically by the Corps of Engineers. If deficiencies are found, the permittee will be notified and required to make repairs within 30 days. If a facility is found to be in such poor condition that total replacement is required, the permittee will be required to remove the old facility and/or debris from Corps property or Federal waters within 60 days. The permittee may request replacement of the facility if spacing, location, and all other requirements for a new facility are met. The replacement requirements are the same as for a new facility.

CONSTRUCTION PERIOD

Construction includes authorized modifications to existing facilities in addition to the installation of new facilities. The Corps of Engineers will issue written authorization to construct and place the private floating facility at the approved location. This authorized construction period may be for up to a maximum of six (6) months. If the floating facility is not in place by the specified time period the authorization for the facility expires and future requests for similar work by the applicant cannot be made for a period of one (1) year after the expiration of the construction period. Shorter construction periods may be used at the discretion of the lake manager.

UNAUTHORIZED ACTIVITIES AND VIOLATIONS

Any type of fixed pier or platform either on the land or extending into the water from the lakeshore is prohibited.

Any type of piling or post driven into the lake bottom for the purpose of mooring or tying boats is prohibited.

Any type of channel, ditch, canal, or excavation is prohibited unless the excavation is in conjunction with an approved erosion control structure or other approved facility.

Any type of landform modification, construction, or other activity that changes the original or present condition of the land is prohibited. This includes, but is not limited to, beach construction, channel construction, bank terracing, cuts, and fills, or road and trail construction.

All Shoreline Use Permits are issued and enforced in accordance with the provisions of Title 36, Chapter III, Part 327, Code of Federal Regulations. Failure to obtain the proper permits or noncompliance with any of the terms and conditions, general or special, may result in termination of the permit, issuance of a Notice of Violation, and/or permanent removal of the private floating facility from the lake.

VEGETATION MODIFICATION PERMITS

Grass cutting, underbrushing, tree trimming, clearing and all other related work performed on Corps property around the lake must have prior written approval from the Corps of Engineers. The approval is granted in the form of a vegetation modification permit. Vegetation modification permits may be issued within areas of the lake allocated as *Limited Development*. Permits may be issued in areas allocated as *Protected* if the Lake Manager determines the environmental and physical characteristics will not be impacted. Vegetation modification permits are issued to allow vegetation modification within the area of Corps property between the side lot lines extended onto Corps property from the common private/Corps property line to the shoreline vegetation buffer. The shoreline vegetation buffer is a forty-five foot strip of land between the lake and private property where only limited trimming of trees and shrubs is allowed (See Shoreline Vegetation Buffer section). Where significant wildlife habitat or scenic/aesthetic areas occur, requests for vegetation modification permits may be denied or additional restrictions may be included on the permit.

APPLICATION

An application must be made to the Lake Manager for a permit prior to modification of vegetation on Corps property. If the applicant already has a private floating facility permit and is an adjacent land owner, he/she is eligible for a vegetation modification permit without additional cost.

New or Change of Ownership Permit Requests

All persons applying for a vegetation modification permit in a new area or persons requesting a change of ownership of an existing vegetation modification permit must submit a completed Shoreline Use Permit application along with the required fee and proof of ownership of property adjacent to Corps property. In addition, the boundary must be marked by installing standard Corps-supplied marker posts on the common boundary every 50 feet, at each end and at each change in direction of the common boundary. These posts must be placed and maintained on the common private/Corps boundary line. It is the responsibility of the applicant to establish the location of the common boundary which may require hiring a licensed surveyor. The applicant agrees all posts remain the property of the Corps of Engineers and may not be removed or relocated.

Reissue (renewal)

Applications for “renewal” of expiring permits require the applicant to submit a signed application form and a check or money order for the permit fee. The permit will then be reissued with a new expiration date to the existing permittee. All permit conditions in place at the time of the new permit issuance will apply at that time.

APPLICANT ACCESS REQUIREMENTS

All persons applying for a vegetation modification permit must provide proof of ownership of land adjacent to Corps property such as a recorded deed. A plat of the adjacent private property, with the dimensions of ownership clearly delineated must be furnished for inclusion in the Shoreline Use Permit application. In situations where a minor public road and public land have a

common boundary, adjacent landowners along this road/boundary may be considered as having access. State highways, major highways, interstates or other restricted access roadways cannot be used in this way for access.

VEGETATION MODIFICATION

Each vegetation modification permit issued will require the permittee to install and maintain a 5-inch x 7-inch permit sign. Marker posts must also be maintained along the common private/Corps boundary. The furnished Shoreline Use Permit sign must be posted at the location designated by the Corps of Engineers.

Grass Cutting

Within specified areas of the vegetation modification permit, lawn mowers and weed eaters may be used to cut grass. Use of chemicals is prohibited.

Tree Trimming

Trees and shrubs up to three (3) inches in diameter (measured at ground level) may be removed. No flowering trees or shrubs such as dogwood or redbud may be removed regardless of size. Trimming of tree limbs up to 1/3 of the trees' height and a maximum of eight (8) feet will be permitted for vegetation modification permits.

TREE CUTTING

Dead trees which have fallen to the ground within the vegetation modification permit area may also be cut into sections and removed from Corps property. Standing dead trees require a separate wood-cutting permit issued by the Corps of Engineers. Only dead, standing trees that present a potential hazard to a permanent structure on private property will be approved for removal. Cutting of dead trees without a wood-cutting permit or cutting of live trees is prohibited (See Unauthorized Activities and Violations Section).

SHORELINE VEGETATION BUFFER

The shoreline vegetation buffer is a strip of land between the shoreline and private property where only limited trimming of trees and shrubs is allowed. This area was established to reduce erosion, improve water quality and provide suitable habitat for native wildlife. Modification of grass and non-woody vegetation is prohibited. Trees and other woody vegetation within the shoreline vegetation buffer may be trimmed in accordance with the tree trimming guidelines of the vegetation modification permit.

PRE-EXISTING VEGETATION MODIFICATION PERMITS

All Shoreline Use Permits issued for vegetation modification that were properly permitted before the implementation of this SMP will continue with regards to the extent of area allowed for modification and without implementing the shoreline buffer requirements until November 1, 2018. **On November 1, 2018, all vegetation modification permits will include a shoreline buffer area where only limited trimming of woody vegetation may occur.**

REFORESTATION AND REGENERATION OF OPEN AREAS

Planting of vegetation on public property may be allowed provided it is in accordance with an approved planting plan. Planting of vegetation is encouraged only when native plant materials are used. Upon planting, all materials become public property and cannot be removed. Ornamental flower beds, azaleas and other non-native plants are not authorized.

MORATORIUMS ON VEGETATION MODIFICATION

Wherever an unauthorized vegetation modification occurs, a moratorium on future vegetation modification in the affected area will be implemented. Moratoriums are administrative actions by the Corps of Engineers to ensure the Corps property returns to its pre-existing condition before the unauthorized activities occurred. During moratoriums, no vegetation modification of any kind may occur. All vegetation modification permits within the area affected by the moratorium become invalid, regardless of the person responsible for the activities, any Notices of Violation issued or adjacent land ownership.

The minimum term for moratoriums is five (5) years which will generally be used for lesser impacts such as unpermitted grass cutting. This will allow the native grass community to re-establish itself and ensure non-native or invasive species will not be able to establish themselves in the disturbed area. More serious impacts such as unauthorized tree cutting will require much longer terms to allow trees to grow to replace the lost trees and return the site to the condition prior to the unauthorized tree cutting. Once habitat has been restored to its pre-existing condition and the ecological value returned, the moratorium will be removed. Any subsequent unauthorized vegetation modification in the area will restart the term of the moratorium period. Moratoriums are administrative actions and implemented independently of any issuance of Notices of Violation or the recovery of damages in civil court.

Owners of property adjacent to an area of Corps land with a moratorium may reapply for a vegetation modification permit five (5) years after the implementation of the moratorium and every five years thereafter if previous applications were denied. Changes in ownership of land adjacent to the Corps of Engineers will not change the term of any moratorium.

UNAUTHORIZED ACTIVITIES AND VIOLATIONS

All Shoreline Use Permits are issued and enforced in accordance with the provisions of Title 36, Chapter III, Part 327, Code of Federal Regulations. Failure to obtain the proper permits or noncompliance with any of the terms and conditions, general or special, may result in termination of the permit, issuance of a Notice of Violation and/or civil litigation to recover damages.

LAND-BASED PERMITS

Certain land-based activities may be allowed to applicants having legal access to public property along shorelines allocated as *Limited Development*. These activities are authorized by letter of permit from the Eufaula Lake Office, not a Shoreline Use Permit.

APPLICATION

Applicants requesting a land-based activity must submit a written request to the Eufaula Lake Office. The request must include all required forms, a map showing where the activity will take place on public land and proof of ownership of land adjacent to Corps property. Other documents may also be required. Contact the Eufaula Lake Office for current requirements.

SPECIAL CONDITIONS

The following special conditions apply to all land-based activities:

- The Eufaula Lake Office will designate and/or approve the activity location to minimize the adverse effect on public property.
- The Eufaula Lake Office must be notified within fifteen (15) days after completion of the activity.
- No activity shall take place on public property prior to issuance written authorization from the Eufaula Lake Office.

EROSION CONTROL ACTIVITIES

Shoreline Erosion

Eufaula Lake is subject to extreme shoreline bank erosion. Although it is not economically feasible to implement an extensive shoreline erosion control program, the Corps is interested in reducing or slowing erosion whenever possible. The Corps' first priority for its limited erosion control funds is the shoreline associated with developed Corps-managed recreation areas. However, if an adjacent landowner, at their own cost, desires to perform erosion control work on Corps property, a request to do work can be made to the Lake Manager. The Lake Manager may issue a cost-free permit for the work. No work may be undertaken without written approval from the Corps of Engineers. Normally, permits for this purpose will be issued only in shoreline areas allocated as *Limited Development*. However, permits may be issued in other allocation areas if a need can be demonstrated. A listing of permit requirements is as follows:

- All work must meet the specifications of Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Protection activities must not exceed one cubic yard per linear foot of fill and not exceed 500 linear feet of shoreline. Nationwide and regional permits may apply.
- Riprap, if used, must be natural stone 18 to 24 inches in diameter and must not include unnatural materials or building rubble. Riprap material should be placed on a filter cloth material or bedding stone as approved by the Lake Manager.
- All vegetative species to be utilized for the purpose of planting and seeding must be approved by the Lake Manager. Grass planting for erosion control is not to be mowed unless located within a vegetation modification area.
- Retaining walls for the purpose of stabilizing shoreline erosion may be approved if extenuating circumstances exist which prevent the use of other approved methods. Retaining walls require design certification by a state licensed civil or structural engineer experienced in retaining wall construction. In addition, review is required by appropriate District Corps offices.

Trail Erosion

Trail erosion is generally caused by overuse of the trail or use of the trail by vehicles. When an access route to the shoreline is creating an erosion problem, use of the trail must cease.

UNAUTHORIZED USES

Any activities, other than public recreational activities or pedestrian access, which are not covered by a Shoreline Use Permit or license will be considered an encroachment or degradation of public property. These unauthorized activities are considered violations of the rules and regulations contained in Title 36, Chapter III, Part 327, Code of Federal Regulations. Examples of such violations may include, but are not limited to unauthorized motorized vehicle operation, development of roads, removal of or placement of debris-fill dirt, placement of dog pens, swings, patios, decks, steps, buildings, storage of equipment or vehicles, burning, tree and vegetation cutting, and grading of landforms. Violations of this nature will result in removal, restitution, restoration, and/or issuance of a Notice of Violation requiring the payment of a fine and/or the appearance before a Federal Magistrate and/or recovery of damages through civil litigation.

OFF-ROAD VEHICLE USE

The operation and/or parking of motorized vehicles on Corps property, including but not limited to automobiles, trucks, motorcycles, mini-bikes, all terrain vehicles (ATV's), golf carts, utility and lawn tractors, etc., are prohibited off authorized roadways with the exception of the following authorized uses:

- Vehicle use on right-of-way easements or license granted by the Corps for private access across Corps lands.
- Golf carts when operated on licensed improved pathway.
- Riding lawn mowers used in accordance with a valid vegetation modification permit.
- Approved maintenance and management activities, primarily associated with agricultural purposes, of adjacent landowners having the necessity to cross large blocks or fingers of Corps land to gain access to their private lands.
- Off Road Vehicles are allowed to be operated in a designated area below Eufaula dam.
- Motor Vehicle Access for People with Disabilities (MVAPD) permit holders

Taking any vehicle through, around, or beyond a restrictive sign, recognizable barricade, fence, or traffic control barrier is prohibited.

ABANDONMENT OF PRIVATE PROPERTY

Facilities will be considered abandoned after a diligent effort has been made to locate the rightful owner, his/her heirs, next-of-kin, or legal representative. Following a diligent search and/or a period of 24 hours, unattended property shall be presumed to be abandoned and may be impounded and stored or disposed of by the Lake Manager in accordance with Section 327.15, Part 327, Chapter III, Title 36, Code of Federal Regulations.. The Lake Manager may collect a reasonable impoundment fee before the impounded property is returned to its owner.

SHORELINE TIE-UP OF VESSELS

Temporary shoreline tie-up is defined as the intermittent moorage of private watercraft along the shoreline during a period of recreational activity. All vessels shall be removed from Corps property if not in actual use. Watercraft owners needing overnight moorage or other non-temporary moorage are encouraged to contact local marinas or apply for a private floating facility or mooring buoy. However, campers registered at a designated campsite within a park may tie up vessels below their campsites throughout their stay.

BOUNDARY LINE

The boundary line at Eufaula Lake has been established and marked by the Corps of Engineers in accordance with standard survey techniques. The boundary line is marked with a standard brass cap embedded in a concrete monument. These monuments may be marked with a steel fence post. In open areas where the distance between corners is such that the monuments or pins are not visible, boundary line posts may be installed by the Corps of Engineers to witness the line. These posts should not be moved or destroyed. Witness posts are used to mark the approximate boundary location but are not registered, legal survey markers.

If a private need arises for the exact location of the common private/Corps property line, the adjacent property owner, at their expense, must use a licensed surveyor. The Corps of Engineers will provide information to surveyors or property owners which might assist in the location of boundary lines and property corners. This information is kept at the Eufaula Lake Office. Any discrepancies identified by the survey should be resolved with the Lake Manager.

BURNING

No burning of ANY kind is allowed on Corps of Engineers property. Any burning MUST be performed on private property and in accordance to applicable state and local laws.

CHANGES AND REVISIONS

Natural Resources Management personnel will continually work to protect and manage shoreline uses at Eufaula Lake in a manner to promote the safe and healthful use by the public while maintaining environmental safeguards to ensure a quality resource for use by the public. When needed, the Eufaula Lake SMP will be revised to better accomplish this. At a minimum, the SMP will be reviewed every five years. When changes to the SMP are needed, the plan will be formally updated through the public participation process. Cumulative environmental impacts of permit actions and the possibility of preparing or revising project NEPA documentation will be considered. Minor changes in the Eufaula Lake SMP may be approved by the District Engineer. Major revisions to this plan will be preceded by an additional public comment period and/or public meetings in accordance with ER 1130-2-406.

CONTACT INFORMATION

Eufaula Lake management personnel are available to address requests or questions concerning the Shoreline Management Plan and its policies. The Eufaula Lake Office is located on State Highway 71, five (5) miles north of Enterprise, OK. Further information concerning the

Shoreline Management Program is available at the Eufaula Lake Office or by calling (918) 799-5843 or 484-5135.

EXHIBIT A

Title 36: Parks, Forests, and Public Property

[PART 327—RULES AND REGULATIONS GOVERNING PUBLIC USE OF WATER RESOURCE DEVELOPMENT PROJECTS ADMINISTERED BY THE CHIEF OF ENGINEERS](#)
[/cgi-bin/retrieveECFR?gp=&SID=a6e7b10e13a99b258b4a5f5c92be92eb&n=&r=SUBPART&ty=HTML](#)

§ 327.30 SHORELINE MANAGEMENT ON CIVIL WORKS PROJECTS.

(a) Purpose. The purpose of this regulation is to provide policy and guidance on management of shorelines of Civil Works projects where 36 CFR part 327 is applicable.

(b) Applicability. This regulation is applicable to all field operating agencies with Civil Works responsibilities except when such application would result in an impingement upon existing Indian rights.

(c) References. (1) Section 4, 1944 Flood Control Act, as amended (16 U.S.C. 460d).

(2) The Rivers and Harbors Act of 1894, as amended and supplemented (33 U.S.C. 1)

(3) Section 10, River and Harbor Act of 1899 (33 U.S.C. 403).

(4) National Historic Preservation Act of 1966 (Pub. L. 89-665; 80 Stat. 915) as amended (16 U.S.C. 470 et seq.).

(5) The National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.).

(6) The Clean Water Act (33 U.S.C. 1344, et seq.).

(7) The Water Resources Development Act of 1986 (Pub. L. 99-662).

(8) 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.”

(9) Executive Order 12088 (13 Oct. 78).

(10) 33 CFR parts 320-330, “Regulatory Programs of the Corps of Engineers.”

(11) ER 1130-2-400, “Management of Natural Resources and Outdoor Recreation at Civil Works Water Resource Projects.”

(12) EM 385-1-1, “Safety and Health Requirements Manual.”

(d) Policy. (1) It is the policy of the Chief of Engineers to protect and manage shorelines of all Civil Works water resource development projects under Corps jurisdiction in a manner which will promote the safe and healthful use of these shorelines by the public while maintaining environmental safeguards to ensure a quality resource for use by the public. The objectives of all management actions will be to achieve a balance between permitted private uses and resource protection for general public use. Public pedestrian access to and exit from these shorelines shall be preserved. For projects or portions of projects where Federal real estate interest is limited to easement title only, management actions will be appropriate within the limits of the estate acquired.

(2) Private shoreline uses may be authorized in designated areas consistent with approved use allocations specified in Shoreline Management Plans. Except to honor written commitments made prior to publication of this regulation, private shoreline uses are not allowed on water resource projects where construction was initiated after December 13, 1974, or on water resource projects where no private shoreline uses existed as of that date. Any existing permitted facilities on these projects will be grandfathered until the facilities fail to meet the criteria set forth in § 327.30(h).

(3) A Shoreline Management Plan, as described in § 327.30(e), will be prepared for each Corps project where private shoreline use is allowed. This plan will honor past written commitments. The plan will be reviewed at least

once every five years and revised as necessary. Shoreline uses that do not interfere with authorized project purposes, public safety concerns, violate local norms or result in significant environmental effects should be allowed unless the public participation process identifies problems in these areas. If sufficient demand exists, consideration should be given to revising the shoreline allocations (e.g. increases/decreases). Maximum public participation will be encouraged as set forth in § 327.30(e)(6). Except to honor written commitments made prior to the publication of this regulation, shoreline management plans are not required for those projects where construction was initiated after December 13, 1974, or on projects not having private shoreline use as of that date. In that case, a statement of policy will be developed by the district commander to present the shoreline management policy. This policy statement will be subject to the approval of the division commander. For projects where two or more agencies have jurisdiction, the plan will be cooperatively prepared with the Corps as coordinator.

(4) Where commercial or other public launching and/or moorage facilities are not available within a reasonable distance, group owned mooring facilities may be allowed in Limited Development Areas to limit the proliferation of individual facilities. Generally only one permit will be necessary for a group owned mooring facility with that entity, if incorporated, or with one person from the organization designated as the permittee and responsible for all moorage spaces within the facility. No charge may be made for use of any permitted facility by others nor shall any commercial activity be engaged in thereon.

(5) The issuance of a private shoreline use permit does not convey any real estate or personal property rights or exclusive use rights to the permit holder. The public's right of access and use of the permit area must be maintained and preserved. Owners of permitted facilities may take necessary precautions to protect their property from theft, vandalism or trespass, but may in no way preclude the public right of pedestrian or vessel access to the water surface or public land adjacent to the facility.

(6) Shoreline Use Permits will only be issued to individuals or groups with legal right of access to public lands.

(e) Shoreline Management Plan —(1) General. The policies outlined in § 327.30(d) will be implemented through preparation of Shoreline Management Plans, where private shoreline use is allowed.

(2) Preparation. A Shoreline Management Plan is prepared as part of the Operational Management Plan. A moratorium on accepting applications for new permits may be placed in effect from the time an announcement of creation of a plan or formal revision of a plan is made until the action is completed.

(3) Approval. Approval of Shoreline Management Plans rests with division commanders. After approval, one copy of each project Shoreline Management Plan will be forwarded to HQUSACE (CECW-ON) WASH DC 20314-1000. Copies of the approved plan will also be made available to the public.

(4) Scope and Format. The Shoreline Management Plan will consist of a map showing the shoreline allocated to the uses listed in § 327.30(e)(6), related rules and regulations, a discussion of what areas are open or closed to specific activities and facilities, how to apply for permits and other information pertinent to the Corps management of the shoreline. The plan will be prepared in sufficient detail to ensure that it is clear to the public what uses are and are not allowed on the shoreline of the project and why. A process will be developed and presented in the Shoreline Management Plan that prescribes a procedure for review of activities requested but not specifically addressed by the Shoreline Management Plan.

(5) Shoreline Allocation. The entire shoreline will be allocated within the classifications below and delineated on a map. Any action, within the context of this rule, which gives a special privilege to an individual or group of individuals on land or water at a Corps project, that precludes use of those lands and waters by the general public, is considered to be private shoreline use. Shoreline allocations cover that land and/or water extending from the edge of the water and waterward with the exception of allocations for the purpose of vegetation modification which extends landward to the project boundary. These allocations should complement, but certainly not contradict, the land classifications in the project master plan. A map of sufficient size and scale to clearly display the shoreline allocations will be conspicuously displayed or readily available for viewing in the project administration office and will serve as the authoritative reference. Reduced or smaller scale maps may be developed for public dissemination but the information contained on these must be identical to that contained on the display map in the project administration office. No changes will be made to these maps except through the formal update process. District commanders may add specific constraints and identify areas having unique characteristics during the plan preparation, review, or updating process in addition to the allocation classifications described below.

(i) Limited Development Areas. Limited Development Areas are those areas in which private facilities and/or activities may be allowed consistent with § 327.30(h) and appendix A. Modification of vegetation by individuals may be allowed only following the issuance of a permit in accordance with appendix A. Potential low and high water conditions and underwater topography should be carefully evaluated before shoreline is allocated as Limited Development Area.

(ii) Public Recreation Areas. Public Recreation Areas are those areas designated for commercial concessionaire facilities, Federal, state or other similar public use. No private shoreline use facilities and/or activities will be permitted within or near designated or developed public recreation areas. The term “near” depends on the terrain, road system, and other local conditions, so actual distances must be established on a case by case basis in each project Shoreline Management Plan. No modification of land forms or vegetation by private individuals or groups of individuals is permitted in public recreation areas.

(iii) Protected Shoreline Areas. Protected Shoreline Areas are those areas designated to maintain or restore aesthetic, fish and wildlife, cultural, or other environmental values. Shoreline may also be so designated to prevent development in areas that are subject to excessive siltation, erosion, rapid dewatering, or exposure to high wind, wave, or current action and/or in areas in which development would interfere with navigation. No Shoreline Use Permits for floating or fixed recreation facilities will be allowed in protected areas. Some modification of vegetation by private individuals, such as clearing a narrow meandering path to the water, or limited mowing, may be allowed only following the issuance of a permit if the resource manager determines that the activity will not adversely impact the environment or physical characteristics for which the area was designated as protected. In making this determination the effect on water quality will also be considered.

(iv) Prohibited Access Areas. Prohibited Access Areas are those in which public access is not allowed or is restricted for health, safety or security reasons. These could include hazardous areas near dams, spillways, hydro-electric power stations, work areas, water intake structures, etc. No shoreline use permits will be issued in Prohibited Access Areas.

(6) Public Participation. District commanders will ensure public participation to the maximum practicable extent in Shoreline Management Plan formulation, preparation and subsequent revisions. This may be accomplished by public meetings, group workshops, open houses or other public involvement techniques. When master plan updates and preparation of the Shoreline Management Plans are concurrent, public participation may be combined and should consider all aspects of both plans, including shoreline allocation classifications. Public participation will begin during the initial formulation stage and must be broad-based to cover all aspects of public interest. The key to successful implementation is an early and continual public relations program. Projects with significant numbers of permits should consider developing computerized programs to facilitate exchange of information with permittees and to improve program efficiency. Special care will be taken to advise citizen and conservation organizations; Federal, state and local natural resource management agencies; Indian Tribes; the media; commercial concessionaires; congressional liaisons; adjacent landowners and other concerned entities during the formulation of Shoreline Management Plans and subsequent revisions. Notices shall be published prior to public meetings to assure maximum public awareness. Public notices shall be issued by the district commander allowing for a minimum of 30 days for receipt of written public comment in regard to the proposed Shoreline Management Plan or any major revision thereto.

(7) Periodic Review. Shoreline Management Plans will be reviewed periodically, but no less often than every five years, by the district commander to determine the need for update. If sufficient controversy or demand exists, consideration should be given, consistent with other factors, to a process of reevaluation of the shoreline allocations and the plan. When changes to the Shoreline Management Plan are needed, the plan will be formally updated through the public participation process. Cumulative environmental impacts of permit actions and the possibility of preparing or revising project NEPA documentation will be considered. District commanders may make minor revisions to the Shoreline Management Plan when the revisions are consistent with policy and funds for a complete plan update are not available. The amount and type of public involvement needed for such revision is at the discretion of the district commander.

(f) Instruments for Shoreline Use. Instruments used to authorize private shoreline use facilities, activities or development are as follows:

(1) Shoreline Use Permits. (i) Shoreline Use Permits are issued and enforced in accordance with provisions of 36 CFR 327.19.

(ii) Shoreline Use Permits are required for private structures/activities of any kind (except boats) in waters of Civil Works 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 the Corps of Engineers.

(iii) Shoreline Use Permits are required for non-floating structures on waters deemed commercially non-navigable, when such waters are under management of the Corps of Engineers.

(iv) Shoreline Use Permits are also required for land vegetation modification activities which do not involve disruption to land form.

(v) Permits should be issued for a term of five years. To reduce administration costs, one year permits should be issued only when the location or nature of the activity requires annual reissuance.

(vi) Shoreline Use Permits for erosion control may be issued for the life or period of continual ownership of the structure by the permittee and his/her legal spouse.

(2) Department of the Army Permits. Dredging, construction of fixed structures, including fills and combination fixed-floating structures and the discharge of dredged or fill material in waters of the United States will be evaluated under authority of section 10, River and Harbor Act of 1899 (33 U.S.C. 403) and section 404 of the Clean Water Act (33 U.S.C. 1344). Permits will be issued where appropriate.

(3) Real Estate Instruments. Commercial development activities and activities which involve grading, cuts, fills, or other changes in land form, or establishment of appropriate land-based support facilities required for private floating facilities, will continue to be covered by a lease, license or other legal grant issued through the appropriate real estate element. Shoreline Management Plans should identify the types of activities that require real estate instruments and indicate the general process for obtaining same. Shoreline Use Permits are not required for facilities or activities covered by a real estate instrument.

(g) Transfer of Permits. Shoreline Use Permits are non-transferable. They become null and void upon sale or transfer of the permitted facility or the death of the permittee and his/her legal spouse.

(h) Existing Facilities Now Under Permit. Implementation of a Shoreline Management Plan shall consider existing permitted facilities and prior written Corps commitments implicit in their issuance. Facilities or activities permitted under special provisions should be identified in a way that will set them apart from other facilities or activities.

(1) Section 6 of Pub. L. 97-140 provides that no lawfully installed dock or appurtenant structures shall be required to be removed prior to December 31, 1989, from any Federal water resources reservoir or lake project administered by the Secretary of the Army, acting through the Chief of Engineers, on which it was located on December 29, 1981, if such property is maintained in usable condition, and does not occasion a threat to life or property.

(2) In accordance with section 1134(d) of Pub. L. 99-662, any houseboat, boathouse, floating cabin or lawfully installed dock or appurtenant structures in place under a valid shoreline use permit as of November 17, 1986, cannot be forced to be removed from any Federal water resources project or lake administered by the Secretary of the Army on or after December 31, 1989, if it meets the three conditions below except where necessary for immediate use for public purposes or higher public use or for a navigation or flood control project.

(i) Such property is maintained in a usable and safe condition,

(ii) Such property does not occasion a threat to life or property, and

(iii) The holder of the permit is in substantial compliance with the existing permit.

(3) All such floating facilities and appurtenances will be formally recognized in an appropriate Shoreline Management Plan. New permits for these permitted facilities will be issued to new owners. If the holder of the permit fails to comply with the terms of the permit, it may be revoked and the holder required to remove the structure, in accordance with the terms of the permit as to notice, time, and appeal.

(i) Facility Maintenance. Permitted facilities must be operated, used and maintained by the permittee in a safe, healthful condition at all times. If determined to be unsafe, the resource manager will establish together with the permittee a schedule, based on the seriousness of the safety deficiency, for correcting the deficiency or having it

removed, at the permittee's expense. The applicable safety and health prescriptions in EM 385-1-1 should be used as a guide.

(j) Density of Development. The density of private floating and fixed recreation facilities will be established in the Shoreline Management Plan for all portions of Limited Development areas consistent with ecological and aesthetic characteristics and prior written commitments. The facility density in Limited Development Areas should, if feasible, be determined prior to the development of adjacent private property. The density of facilities will not be more than 50 per cent of the Limited Development Area in which they are located. Density will be measured by determining the linear feet of shoreline as compared to the width of the facilities in the water plus associated moorage arrangements which restrict the full unobstructed use of that portion of the shoreline. When a Limited Development Area or a portion of a Limited Development area reaches maximum density, notice should be given to the public and facility owners in that area that no additional facilities will be allowed. In all cases, sufficient open area will be maintained for safe maneuvering of watercraft. Docks should not extend out from the shore more than one-third of the width of a cove at normal recreation or multipurpose pool. In those cases where current density of development exceeds the density level established in the Shoreline Management Plan, the density will be reduced to the prescribed level through attrition.

(k) Permit Fees. Fees associated with the Shoreline Use Permits shall be paid prior to issuing the permit in accordance with the provisions of § 327.30(c)(1). The fee schedule will be published separately.

EXHIBIT B

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 Area 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 or if in the opinion of the District Commander a permitted facility and/or activity shall cause unreasonable obstruction to navigation or that the public interest so requires, the permittee shall be required, upon written notice from the District Commander 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 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 right to compensation shall accrue from any such damage. This includes any damage that may occur to private property if a facility is removed for non-compliance 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 or local assent required by law for the construction, operation, use or maintenance of a 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 construction 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 resource 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 Lake Manger, the District Commander may remove the facility by contract or otherwise and the permittee agrees to pay all costs incurred thereof.

11. The use of a permitted private floating 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 of the facility.

14. On all new private floating facility and boat mooring buoys, flotation shall be of materials which will not become waterlogged, is not subject to damage by animals, is not subject to deterioration upon contact with petroleum products, (gasoline, diesel fuel, oil, or other caustic substances) and will not sink or contaminate the water if punctured. No metal-covered or injected drum flotation will be allowed. Foam bead floatation may be authorized by the District Commander if it is encased in a protective coating to prevent deterioration with resultant loss of beads. Existing flotation will be authorized until it has severely deteriorated and is no longer serviceable or capable of supporting the structure, at which time it should be replaced with approved flotation.

15. Permitted facilities and activities are subject to periodic inspection by authorized Corps representatives. The Lake Manager will notify the permittee of any deficiencies and establish a schedule for their correction. No deviation or changes from approved plans will be allowed without prior written approval of the Lake 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(s) shall be posted on the permitted facility and/or the land areas covered by the permit so that it can be visually checked with ease in accordance with instructions provided by the Lake Manager.

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

20. 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.

21. By 30 days written notice, mailed to the permittee by certified letter, the District Commander may revoke this permit whenever the public interest necessitates such revocation or when the permittee fails 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 Commander through the Lake Manager within the 30 day period, the District Commander 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 mail.

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

23. The Lake Manager or his/her authorized representative shall be allowed to cross the permittee's property, as necessary, to inspect any facilities and/or activities under permit or to investigate any potential violations.

24. When vegetation modification is allowed, the permittee will delineate the common private/Corps property line in accordance with the Eufaula Lake Shoreline Management Plan.

25. If the ownership of a permitted facility is sold or transferred, the permittee or new owner will notify the Lake 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 of ownership transfer.

26. If permitted facilities are removed for storage or extensive maintenance, the Lake Manager may require all portions of the facility be removed from public property.

27. The applicant/permittee agrees that he/she has read the current Eufaula Lake Shoreline Management Plan and Part 327, Chapter III, Title 36, Code of Federal Regulations and agrees to abide by all their terms, conditions, regulations, etc.

28. The permittee understands shoreline buffer zones will be incorporated into all vegetation modification permits on November 1, 2018 and agrees to cease all vegetation modification except limited tree trimming within this zone no later than November 1, 2018. The permittee understands any new permits issued after March 1, 2013 will immediately incorporate vegetation buffer zones and agrees not to alter or modify vegetation within this zone except limited tree trimming.

29. The use of submersible pumps is not allowed on any Corps of Engineers lake in the Tulsa District. The applicant/permittee will immediately remove any existing submersible pump associated with their permit or license. Centrifugal pumps may remain if they meet one of the following conditions: 1.) The pump's electrical service, including the motor connections and

terminations, are located above the top of the flood control pool elevation of the lake; 2.) The pump is mounted on the deck of a private floating facility permitted under the shoreline management program when the installation has been certified by a licensed electrical contractor.

30. The permittee/applicant understands that a moratorium on any vegetation modification will be implemented in an area where unauthorized vegetation modification has occurred. All vegetation modification permits within the area affected by the moratorium become invalid, regardless of the person responsible for the activities, any Notices of Violation issued or adjacent land ownership. The moratorium will be in place until the area has recovered to the condition before the unauthorized vegetation modification, including growth of replacement trees in the case of unauthorized tree cutting. The minimum term for moratoriums is five (5) years. Any subsequent unauthorized vegetation modification in the area will restart the term of the moratorium period.

EXHIBIT C

PRE-EXISTING LICENSE GUIDELINES

Change of Ownership of Existing Facility

Applicants requesting a change of ownership of a land-based facility permit must complete a written request to the Eufaula Lake Office. An information packet with forms is available at the Eufaula Lake Office for the most common requests such as electric and water line licenses. The request must include a written, signed statement from the previous licensee requesting change in ownership of the license and proof of ownership of or access to land adjacent to Corps property at the point the facility enters Corps property. Other documents may also be required. Contact the Eufaula Lake Office for current requirements.

Reissue (license renewal)

Current licensees may request to “renew” expiring licenses with a signed, written request to the Eufaula Lake Office stating the intent to have a license reissued to them, the current license number and their current name, address and phone number. Other documents may also be required. Contact the Eufaula Lake Office for current requirements.

Existing electrical services supplying floating structures or occupying public lands must meet the standards set by the current National Electrical Code. **Licenses are not required for solar electric systems** or for electric service that connects to a private floating facility walkway on private property.

EXHIBIT D

ALLOCATION MAP DEVELOPMENT INDEX

<u>Subdivision Name</u>	<u>Map</u>	<u>Subdivision Name</u>	<u>Map</u>	<u>Subdivision Name</u>	<u>Map</u>
1ST ADDITION TO BUGTUSSLE	24	BROOKEN SUBDIVISION	18	EAST GAINES CR MEADOWS	21
1ST NAT'L BANK & TRUST	18	BROOKHAVEN	17	ELM POINT ESTATES	25
4 MAN'S COVE	8	BROOKS DEVELOPMENT	18	ELM POINT LANDING	28
AH-DUP-HA VILLAGE	17	BROWN'S CATFISH	7	EMERALD BAY	5
ALTA VISTA	17	BRUSH HILL VILLAGE	8	ENCHANTED OAKS #1 #2 #3	5
ANGEL POINT	17	BUD'S POINT	20, 21	ENCHANTED OAKS #I	8
ARROWHEAD EST #1 #2 #3	21	BUG TUSSLE VILLAGE	24	EVERGREEN ESTATES	14
ARROWHEAD EST #3	20	BUNNY CREEK	12	FALCON COVE	17
ARROWHEAD SHORES	20	CAMERON COVE	13	FALCON RIDGE	17
ATLEE	4	CANADIAN SHORES	20	FALCON VIEW	17
AVALON BAY	12	CARR CREEK	8, 11, 12	FAME CREEK AREA	11
BAR HARBOR	12	CATFISH ACRES	7	FOUNTAINBLEU	12
BEACON POINT	14	CATHY MTN ESTATES	12	FOUNTAINHEAD	8
BEAVER CREEK	13	CEDAR BLUFF	12	FRENCHS ADDITION	17
BEAVER LODGE	13	CEDAR POINT #2	13	GAINES CREEK HIDEAWAY	17
BELLE STARR FOREST	12	CEDAR POINTE ESTATES	17	GALLOWAY POINT	12
BENSON TRAILER PARK	13	CEDAR SHORES	16	GARLAND MCKEE SUB	13
BENT OAK	17	CHEELEY RIDGE	17	GENTRY CREEK ACRES	5
BERMUDA POINT	17	CHEROKEE HILLS	13	GLANCY DEVELOPMENT	18
BERRY PATCH	18	CIRCLE "V" RANCH	17	GRANDVIEW	8
BIG BASS BAY	9	CLIFF HEIGHTS	13	GRANT-FRENCH	17
BIXBY CREEK	14	COLLINS DEVELOPMENT	27	GREENBRIAR	12
BLUE CREEK	25	COON CREEK	12	GREER HEIGHTS	17
BLUE KENOKEE BAY	13	COVE ACRES	13	HAMILTON SUBDIVISION	17
BLUE WATER OAKS	14	CRAZY WOMAN CAMPGRND	18	HARBOR POINT	4
BLUFFVIEW COVE	5	CRESCENT HILLS	12	HICKORY HILLS	13
BOULDER RIDGE	13	CROWDER POINT	20	HIDDEN PARADISE	13
BOWER SUB	17	CRYSTAL HAVEN	14	HIDDEN RIDGE	12
BOWMAN'S COVES	16, 20	DEEP FORK RIVER RANCH	8	HIDE-A-WAY	13
BRECKENRIDGE ESTATES	17	DOGWOOD ACRES	7	HIGHLINE COVE	8
BRIDGEPORT BEACH	8	DOGWOOD HILLS	13	HILLSIDE ADD	17
BRIDGEPORT DUNES	8	DOVER ESTATES	13	HOLIDAY HILLS	17
BRIDGEPORT DUNES	8	DOW	30	HOLIDAY VILLAGE	9, 10
BRISTOW POINT	21	DUCHESS CREEK ACRES	9	HUCKLEBERRY HILLS	13
BROOKEN COVE	18	DUCHESS CREEK ESTATES	13, 14	HULS	17
BROOKEN HILLS	13	EAGLE BLUFF	17	HUNTERS POINT	13

<u>Subdivision Name</u>	<u>Map</u>	<u>Subdivision Name</u>	<u>Map</u>	<u>Subdivision Name</u>	<u>Map</u>
HURLEYS SUBDIVISION	17	NORTH CANADIAN ACRES	6	SALMON	8
INDIAN SPRINGS	8, 12	NORTH HOLIDAY	10	SALTSMAN'S ORCHARD	12
INDIANOLA	19	OAK GROVE ACRES	16	SAM'S POINT	16
ISLAND VIEW ESTATES	13	OAK RIDGE COVE	13	SANDPIPER COVE	13
JAMES ADDITION	7	OAKTREE LANDING	14	SANDY BASS BAY #1-4	12
KELSOE DEVELOPMENT	18	OAKVIEW HARBOR	12	SCANDIA COVE	13
KOENEKE SUB	13	OAKWOOD HARBOR #1	5	SCOODIAC POINT	4
LA DUNA SUB DIVISION	12	OGDEN COVE	13	SEA BLUE SHORES	14
LAKE BREEZE	18	OLDE CHANNEL POINTE	17	SEQUOYAH ACRES	13
LAKE EUFAULA ESTATES	20	PARADISE POINT	5	SHABBY ACRES	7
LAKE FOREST SUBDIVISION	13	PARADISE SHORES	17	SHANNON ACRES	24
LAKESIDE FORREST	17	PEACEFUL ACRES	13	SHEPPARD ESTATES	5
LAKEVIEW COUNTRY EST	14	PINEY ACRES	18	SHERWOOD FOREST	12
LAKEVIEW LODGE	14	PINEY CREEK #4	17, 18	SHORELINE DRIVE	13
LAKWOOD FOREST	17	PINEY CREEK #9	13, 18	SIMPSON ADDITION	12
LAKWOOD PARK	12	PIPELINE COVE	13	SNUG HARBOR	18
LEGACY PARK	12	POLLARD ADDITION	16	SOONER HAVEN ADDITION	17
LEISURE HEIGHTS	12	PORUM LANDING	13	SOUTH COVE	18
LEISURE LAND	8	PORUM MTN ESTATES	13	SOUTH POINT	18
LODGE VIEW POINT	21	POST OAK ADDITION	17	SOUTHPORT	17
LONGTOWN ESTATES	17	PUSH HILL COVE	12, 13	SPINNAKER POINT	17, 18
LOTAWATAH VILLAGE	5	QUAIL RIDGE ACRES	12	SPORTSMANS CLUB	18
MA LU BEACH	14	RAINBOW BEND	12	STANDING ROCK ESTATES	13
MAC MARY HEIGHT	17	RED LAND ACRES	14	STEPHENSON'S LAKEVIEW	17
MASON OAKS	13	RED OAKS	13	STONE CLIFF	12
MASSEY POINT	24	RIVER OAKS	12	STONE RIDGE ESTATES	12, 17
MATHULDY CREEK	25	RIVER VIEW TERRACE	13	STYLES ADDITION	17
MCCOY DEVELOPMENT	17	ROCK BLUFF ACRES	7	SUMMIT BROOKEN MTN	13
MCKEE COVE	13	ROCK CREEK COVE EST	17	SUNSET ADDITION	12
MCKINNEY LAKESIDE	13	ROCK CREEK COVE EST	20, 21	SUNSET HEIGHTS	8
MEADOW LAKE ESTATES	14	ROCK CREEK HEIGHTS	17	SUNSET RIDGE	13
MEADOWWOOD	12	ROCK CREEK SUBDIVISION	8	SUNSET SHORES #2	25
MILL CREEK BAY ESTATES	16	ROCK POINT	8	SYCAMORE BAY #2 #3	4
MILL CREEK NARROWS	16	ROCKY CREEK ESTATES	18	SYCAMORE BAY #3, #4, #5	5
MILL CREEK SHORES	16	ROLLING OAKS	8	TALL OAKS	13
MONTE	8	RUNAWAY BAY	12	TANGLEWOOD BLUFF	13
MOORE ADDITION	12	SABRINA BEACH	13	TATES TIMBERLINE BEACH	17, 18
MORRISON ACRES	17	SAFARI'S END	7	TERRA ROUGE SUBDIVISION	16
NOBB HILL	9, 10	SALLY'S ADDITION	12	THOUSAND OAKS	18

<u>Subdivision Name</u>	<u>Map</u>	<u>Subdivision Name</u>	<u>Map</u>	<u>Subdivision Name</u>	<u>Map</u>
THREE NATIONS ESTATES	13	URQUHART COVE	12	WILDWOODS	28
TIMBERLAKE	17	WAGON ROAD END	18	WILLIAMS SUBDIVISION	18
TIMBERLINE BEACH	17	WARREN SUB	17	WILLOW RIDGE	13
TWIN MOUNTAIN ESTATES	17	WESTPORT BEACH	16	WINDSOR SHORE ESTATES	17
TWIN OAKS	17	WESTPORT BEACH #2	16	WOMACK SUNSET	8
TWIN RIVERS	8	WILDWOOD ACRES	14		

SHORELINE ALLOCATION MAPS