



**U.S. Army Corps of Engineers, Kansas City District
Pomme de Terre Lake Project
Shoreline Management Plan**

Table of Contents

- 1. Authority.**
- 2. Purpose and Guidance.**
- 3. Review and Update.**
- 4. Shoreline Allocations.**
- 5. Permit Requirements.**
- 6. Application Procedure and Fees.**
- 7. Inspection and Permit Renewal.**
- 8. Permit Revocation Procedures.**
- 9. Related Programs.**
- 10. Miscellaneous Permits.**
- 11. Appendices**
 - a. Appendix A - Dock Zone Utilization**
 - b. Appendix B - Dock Zone Maps**
 - c. Appendix C - Major Revisions**
 - d. Appendix D - Rezoning Requests**
 - e. Appendix E – Public Comment/Responses**

**U.S. Army Corps of Engineers, Kansas City District
Pomme de Terre Lake Project
Shoreline Management Plan**

1. Authority: The authority for the preparation of the Shoreline Management Plan is contained in Title 36, Code of Federal Regulations, Section 327.30 dated May 5, 2000 and ER 1130-2-406 dated May 28, 1999.

2. Purpose & Guidance: The purpose of the Shoreline Management Plan is to establish policy; provide guidance for the management and protection of the shoreline; establish and maintain acceptable fish and wildlife habitats; maintain aesthetic quality and natural environmental conditions; promote the safe, healthful use of the shoreline for recreational purposes; and achieve a balance between permitted private use and resource protection for general public use. The Pomme de Terre Lake Project Shoreline Management Plan (Pomme de Terre SMP) is part of the Operational Management Plan which complies with the Pomme de Terre Lake Project Master Plan, dated March 15, 2016. Factors used in formulation, including updates to the PT SMP include:

a. Evaluation of the demand for water-based recreation while limiting the proliferation of individual facilities through utilization of Satellite and Commercial Concessions (Marinas) for boat mooring.

b. Efficient administration to ensure private floating facilities are maintained while ensuring no threat to the recreating public, project resources, or esthetics and land based modification are limited to prevent infringement upon natural resources and wildlife habitat management programs.

c. Ensuring ownership of private property adjoining public land does not convey any special rights or privileges to use government property.

d. The Shoreline Management Plan should not create an undue hardship on individual or private industries dependent upon private recreation facilities.

3. Review & Update: The Pomme de Terre SMP is scheduled for review every 5 years. If a need for revision is identified, a public workshop and comment period will be held prior to final revision. Major changes to content and zoning will be addressed during the review process. Requests for re-zoning of the shoreline may be submitted at any time however they will only be addressed during a review period. Re-zoning requests are evaluated on the following criteria:

a. Driving distance from nearest Commercial Concession (marinas).

b. Available permit space in adjacent dock zones.

c. Access to existing public boat ramps, parking, etc.

- d. Location, exposure to main lake traffic (boat wakes, prevailing winds)
- e. Shoreline Conditions such as steep banks, shallow water, obstacles, size of area available to rezone.
- f. Number of individuals to benefit from a re-zoning.
- g. Comments from the public & stakeholders.

4. Shoreline Allocations: The entire shoreline has been allocated according to the following classifications as required per Title 36 CFR, Sec. 327.30.5.

a. 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. ***(Identified in the Master Plan as Multiple Management Resource Lands/Low Density Recreation)2017 status: 74.1 miles***

b. 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. ***(Identified in the Master Plan as High Density Recreation)***

c. 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 (exception is grandfathered docks). 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. ***(Identified in the Master Plan as Multiple Management Resource Lands/Wildlife Management)***

d. 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. (*Identified in the Master Plan as Project Operations & Environmentally Sensitive Areas*)

5. Permit Requirements: All floating structures and vegetative modifications must be authorized by the Pomme de Terre Lake Project through a shoreline use permit, typically for a period of 5 years. Applicable shoreline use fees are defined in Section 6. Permits may only be issued to an individual or organization with legal access to the shoreline. Ownership in more than one dock or more than 2 stalls in any single dock by an individual or family unit* is prohibited. *A family unit is defined as a household (i.e. all persons living at one address)

a. Private Floating Facilities:

General Requirements:

- i. Each permittee will be provided and required to post two permit tags on the permitted facility. The tags will be displayed so that they can be visually checked from land or water.
- ii. 911 addresses are required to be posted by Missouri State Highway Patrol for all floating structures, and is the responsibility of the dock owners.
- iii. Provide complete permit application, including emergency point of contact for surveillance purposes for those permittees who are not a full-time resident of the lake area. This point of contact must be willing to watch and/or maintain the permitted facility on a daily basis during the absence of the permittee.
- iv. Storage of flammable and other hazardous materials are prohibited.
- v. Allowable size shall not exceed amount required to moor the owner's boat(s) plus a reasonable amount of space for a storage locker, swim deck or other uses essential to the operation of watercraft or water based recreation.
- vi. Private floating facilities are prohibited for human habitation. The installation of sleeping accommodations, cooking, heating, toilet and shower facilities, refrigeration, television, and other items conducive to human habitation is also prohibited.
- vii. Private floating facilities shall be securely anchored to the shore by means of moorings, which do not obstruct the free use of the shoreline or unduly damage vegetation. At no time will floating facilities be anchored to vegetation, live or dead.
- viii. Land-based vegetation modification, may be authorized as part of Shoreline Use Permit to facilitate maintenance of walkway and anchors. See "Mowing to facilitate dock maintenance." (Section 5.b.v.c.)

ix. Permits will become null and void upon the sale, transfer of ownership of the permitted facility, or death of the permittee.

x. Upon sale or transfer of dock ownership, the new owner must provide proof of legal ownership in the form of a notarized Bill of Sale or legal transfer of ownership document must be provided with permit application. The permit may be terminated if the conditions of the permit are not met.

xi. In the event there are multiple owners of a dock, a request for major modification (overall size) or replacement must be agreed upon by all owners. It shall be the responsibility of the requestor and/or permittee to obtain the signatures from other owners prior to approval.

xii. All private floating recreation facilities shall be constructed in accordance with approved plans and specifications within 6 months from the date of permit issuance. The permittee must notify project office personnel upon completion of construction for inspection.

xiii. In situations where it is necessary to access the shoreline with equipment to repair a dock or anchoring system the permittee must request a work permit. (10.b) The Work Permit will be issued by the Project Office for a specific activity. Any damage to the shoreline or vegetation must be repaired or offset by the permittee within 30 days.

xiv. The Operations Project Manager, acting as the District Engineer's representative, is authorized to place special conditions on the permit as deemed necessary.

Construction Requirements:

i. Requests for construction and/or modifications require submittal of Professional Engineer stamped plans within 60 days of permit issuance and must obtain written project approval prior to the start of construction.

ii. Specifications of the proposed facility must be sufficient in detail and include anchorage method, construction materials, type and size which will meet the established minimum design and load requirements as established by the National Water Safety Congress, Industry Standards and Pomme de Terre SMP. Minimum Design Standards for all new or replacement construction:

- | | |
|-----------------------|--------------------------|
| a. Deck loads | 50 lbs. per square foot |
| b. Approach walkways | 50 lbs. per square foot* |
| c. Wind loads | 20 lbs. per square foot |
| d. Roof loads | 20 lbs. per square foot |
| e. Handrail/Guardrail | 200 lbs. of side load |

*Engineer stamped plans are not required for approach walkways or walkway extensions, however they must meet the minimum design standards and be approved by the Project Office prior to any work being performed.

- f. Floating Walkways: Minimum of 42 inches wide with a handrail & guardrail attached securely to at least one side.
 - i. Handrail
 - 1. Between 36-48" above the surface of the decking
 - 2. 200 lbs. side load
 - 3. Minimal lateral movement
 - 4. Ropes, chains, plastic piping is not sufficient
 - ii. Guardrail
 - 1. Between 20-24" above the surface of the decking
 - 2. 200 lbs. side load
 - 3. Minimal lateral movement
 - 4. Ropes, chains, plastic piping is not sufficient
- g. Walkway Access Ramp: Must be a minimum of the width of floating walkway and securely attached to the existing dock walkway, the terminal end rests upon the shoreline
 - i. Less than 8 feet in length.
 - 1. No handrails, guardrails, or flotation required.
 - 2. Utilized for ease of access to the dock and floating walkway.
 - 3. All other minimum design standards apply.
 - ii. Greater than 8 feet in length
 - 1. All minimum design standards apply.
 - 2. Flotation required.
 - 3. Handrails/guardrails required.
- h. Decking
 - i. Walking surfaces must be a minimum of 5/4" decking, 3/4" exterior grade plywood, concrete paving block, or composite decking material.
- i. Joists/Nailers on walkway or docks may not exceed 24" on center.
- j. Floats and the flotation material
 - i. Must be fabricated of materials manufactured for marine use.
 - ii. The float and its flotation material shall be 100% warranted for a minimum of 8 years against sinking, becoming waterlogged, cracking, peeling, fragmenting, or losing beads.
 - iii. All floats shall resist puncture and penetration and shall not be subject to damage by animals under normal conditions.

- iv. All floats and the flotation material used in them shall be fire resistant. Any float, which is within 40 feet of a line carrying fuel, shall be 100% impervious to water and fuel.
- v. The use of new or recycled plastic or metal or non-compartmentalized air containers for encasement or floats is prohibited.
- vi. Existing floats are authorized until it or its flotation material is no longer serviceable, at which time it shall be replaced with a float that meets the conditions listed above.
- vii. For any floats installed after the effective date of this specification, repair or replacement shall be required when it or its flotation material no longer performs its designated function or it fails to meet the specifications for which it was originally warranted. (Source- ER 1130-2-406, 28 May 1999)

Electrical Service Requirements:

- i. All electrical service must have a set of detailed plans on file and be signed by a Certified Electrician and may be achieved in 4 ways:
 - a. *Solar Power.* Solar power is preferred/recommended option for providing electrical service to private docks. Requires engineer certified plans, must meet all national Electric Code (NEC) provisions. Solar power does not require a separate License, will be inspected during the annual dock inspections by the Project Office, and owner must have written approval prior to installation.
 - b. *Line Power.* Line power is the extension of an overhead or underground electrical line which provides electrical service from an existing line. Requires engineer certified plans, must meet all National Electric Code (NEC) provisions, and will be tested during the annual dock inspections. Requests for line power must have written approval prior to installation. Request for line power will only be authorized in locations that require a minimal removal of trees or disturbance of the area. Installation of line power will require a separate Real Estate License issued through the Kansas City District Real Estate Division, the cost for this license is determined by the Real Estate Division.
 - c. *Generator supplied electrical power.* Electrical power to a private dock may be accomplished by the temporary use of a generator. The generator, if stored on the dock must be locked in a storage cabinet or otherwise secured against unauthorized usage. If any permanent wiring such as outlets, switches, or light are installed to be used with generator supplied power, then it shall require engineer certified plans and must meet all National Electric Code (NEC) provisions. Generator supplied Electrical Power does NOT require a separate Shoreline Use

Permit/License however, the owner must have written approval prior to installation. Generators must have all original factory installed safety devices (GFCI). It shall be the responsibility of the user to ensure that all safety devices are functioning properly prior to use and will not be tested during the annual dock inspections.

- d. *DC only power.* Provision for DC only power. If a solar panel providing electricity for a specific use, i.e. changing of 12 volt battery, and is only providing DC current, and at no point converted/inverted into AC current then no authorization is required.
- ii. Major provisions of National Electric Code as it applies to private floating facilities are, but not limited to the following:
 - a. All wiring must be in conduit
 - b. All fixtures must be approved for wet / damp locations.
 - c. All electrical outlets must be protected by a Ground Fault Circuit Interrupt system.
 - d. All light bulbs must have a guard to protect against breakage and exposure of conductive surfaces.

Dock Zone Limitations: (Contains information taken from ER-1130-2-406 and Title 36 Code of Federal Regulations Section 327.30)

- i. Dock space, common referred to as the “20 foot rule,” is defined as the width of the dock plus 10’ either side, (additional width if perpendicular style dock) therefore a measurement is taken between the two closest points of the floating structures so as to be no closer together than 20 feet at normal pool elevation of 839’ m.s.l. Greater spacing may be required based upon dock design, such as a perpendicular style of dock construction for which the distance between docks shall be 1.5 times the depth of the stall. i.e. if the stalls are 20 feet deep the distance would be $1.5 \times 20 = 30$ feet between docks. Boat lifts will not be calculated as part of overall dock space.
- ii. A dock zone is full when 50% of the total linear footage of the zone is utilized by dock space (as defined in “i.” above). Therefore, once a dock zone reaches 50% utilization no new permits may be issued for that zone. If at any point the dock space utilization falls below 50% due to consolidation or removal of a dock a new permit will be considered on a first come, first serve basis. No wait list is maintained.
- iii. Once the total linear footage of the zone reaches 100% utilized by dock space no net expansions of facilities will be allowed. Therefore, once a dock zone reaches 100% utilization no expansions may be issued for that zone. If at any point the dock space utilization falls below 100% due to consolidation or removal of a dock an expansion will be considered on a first come, first serve basis. There is no wait

list and the expansion must allow the dock zone utilization to stay at or below 100%.

- iv. All private floating facilities will be placed so as not to interfere with navigation, including no dock extending more than 1/3 of the cove width.
- v. Where feasible two or more adjacent permitted docks may be combined in accordance with the following conditions:
 - a. Proposed combined permit is a dock of new construction, or the existing construction must be stable enough that the joining will not create a safety hazard.
 - b. Complies with the allowable width for dock space as previously defined.
 - c. Maintains or reduces the overall % of utilization within the dock zone.
- vi. Exceptions may be granted by the Operations Project Manager at such time a dock becomes unusable due to siltation or other natural occurrences. Relocation will follow all other criteria as defined in the PT SMP and will not be approved for convenience only.
- vii. Dock zone utilization information is maintained at the Project Office. Copies are available upon request. (L:\OMP\Shoreline Management\Dock Zones\Dock Zone Utilization.doc)

Grandfathered Docks:

- i. There are currently 93 properly permitted boat docks located in areas classified as Protected Shoreline Areas, which were in place at the time of implementation of the original Shoreline Management Plan. These docks may remain at their original mooring locations as long as permits are kept current and the facilities are properly maintained. There are no docks located within areas classified as Public Recreation Areas or Prohibited Access Areas.
- ii. Repairs may be made to these grandfathered docks as necessary to maintain their usefulness and safety. A grandfathered dock may be replaced with a new one of same size when repairs to the old dock are impractical.
- iii. Grandfathered docks may not be relocated except when:
 - a. Relocation to a designated Limited Development Area (dock zone), with sufficient space will be allowed.
- iv. Mooring sites previously occupied by grandfathered docks will be permanently vacated upon voluntary permit termination or revocation and the subsequent removal of such grandfathered docks. Boat lifts will not be calculated as a part of the overall dock size.

Docks from other waters:

- i. Docks and dock parts, including but not limited to docks, walkways, flotation, boat lifts, and any other structures that are being re-located to Pomme de Terre Lake. The permittee is responsible to prevent the transport of invasive species. Acceptable steps include:
 - a. Power washing of all surfaces of the structure with water of at least 150°F.
 - b. All parts and structures may be dried according to 100th meridian initiative drying time calculator, <http://www.100thmeridian.org/emersion.asp>. Drying times will vary depending upon time of year.
- ii. If the relocation of a dock or dock structures is desired, the permittee must contact the Pomme de Terre Project Office for advanced written approval.
- iii. All docks and related structures must meet the minimum design standards as established in Section 5.

b. Vegetative Modification:

- i. Modification of vegetation by individuals in Protected and Limited Development Areas will be permitted only after due consideration of the effects of such action on the environmental and physical characteristics of the area
- ii. Each permittee will be provided and required to post a permit tag on the permitted site at the project boundary line. This tag will indicate the type of authorized activity using the code: F = firebreak, M = mowing, P = pathway, BLM = boundary line, FP = firebreak with pathway, MP = mowing with pathway. An assigned permit number will follow the activity code, example F-027.
- iii. Vegetative modification permits will be computed to include all or part of the current mowing season plus four more years.
- iv. A new permit is required upon change of ownership of private property adjacent to the permit area or when a permittee relinquishes responsibility for a permit and another individual assumes maintenance responsibilities for the subject area.
- v. All requests for shoreline use permits for vegetative modification will be issued and administered in accordance with the following:
 - a. *General Requirements:*
 - i. Woody vegetation with stump 2" diameter or less may be removed within the designated permit area.
 - ii. Removal of native ornamental trees or shrubs (Dogwood, Redbud, & Serviceberry) is prohibited regardless of their size.

- iii. Dead and diseased trees or low hanging limbs, which are a safety hazard, may be removed following prior approval of a work permit. (Section 10.b)
 - iv. Chemical methods to control toxic (Poison Ivy/Oak) or noxious (Serecia Lespedeza, Johnson Grass, & Musk Thistle) vegetation may be authorized with prior approval.
 - 1. Chemical application will be in accordance with all federal, state, and local regulations and within strict compliance with label instructions.
 - 2. All chemical usage will be authorized and reported on a Work Permit. (Section 10.b)
 - v. Delineation of the project boundary line within 2' of the boundary is required for firebreaks and mowing permits. This will be accomplished at the permittee's expense on his/her side of the boundary, paralleling the line. Acceptable delineation includes fence or wall of treated wood, metal, or stone; a hedge or suitable shrubbery which visibly and physically acts as a boundary. Application should include a description of the proposed boundary delineation type for approval.
- b. *Firebreak:* Firebreaks may be authorized up to 75' from a habitable structure. In unusual circumstances a larger area may be authorized.
- c. *Mowing to facilitate dock maintenance:* Mowing is allowed up to 25' from the water's edge surrounding a private dock to facilitate maintenance of the dock's walkway and anchors. (Note: Activity is covered by the Dock Permit and no additional permit is required)
- i. Area will be established by measuring a 25' radius from the centerline of where the dock's walkway intersects with the 839' msl contour.
 - ii. Vegetation with a stump width of greater than 2" which interferes with walkway usage and/or anchoring system may only be removed if approved by a work permit.
- d. *Grandfathered mowing:*
- i. Commitments will be honored as defined prior to implementation of the initial PT SMP as long as the permit is kept current and permittees remain in compliance with permit conditions
 - ii. Expansion will not be allowed.
 - iii. Voluntary reduction of the area being mowed is encouraged. However, any such area surrendered may not be reincorporated at a later date therefore future permits in that area must conform to the parameters of a firebreak and/or pathway permits.
 - iv. Any grandfathered permit not renewed within 90 days of expiration will be permanently voided.
- e. *Pathway:* A 4' wide, meandering path may be established and maintained across project land from private property to the water's edge if authorized by a

Shoreline Use Permit.

- i. The pathway must follow a meandering route to minimize erosion and avoid solely clearing for view or property value enhancement.
 - ii. No steps, improvements, or changes in landform other than those provided for in the permit are allowed.
 - iii. Pathways are authorized for pedestrian access only, motorized vehicles are prohibited from all pathways.
- f. *Boundary Line Maintenance:* Mowing or clearing of project lands is allowable up to a maximum of 6' from the boundary line. A no cost permit is required for this activity.

c. Improved Shoreline Access:

- i. All roads, parking areas, turn around, boat launching ramps, and improved pathways on government land not constructed by the Corps must be approved in a lease, license, or other legal outgrant by the Corps Real Estate Office.
- ii. Request for new access roads or improved pathways will be evaluated on a case-by-case basis. Approval will be determined by the number of existing access points within a reasonable distance to the site, public benefit, and the amount of potential environmental degradation.
- iii. Any road or improved walkway not covered by a real estate instrument will be closed and restored as nearly as possible to its original condition.

d. Encroachment Detection and Resolution:

- i. Sections of the project boundary will be inspected each year for the purpose of detecting and documenting any unauthorized activities on project land.
- ii. All encroachments noted will be resolved by following the Kansas City District Real Estate Encroachment Handbook.
- iii. Violators may be subject to one or more of the following:
 - a. Removal of property.
 - b. Citation and monetary fine.
 - c. Revocation of existing Shoreline Use Permit.
 - d. Additional legal action depending upon the severity of the encroachment.

6. Application Procedure and Fees:

- i. Office Interview encouraged for private floating facilities to discuss shoreline zoning, available mooring sites, construction requirements, time limitations, and inspection processes.

- ii. Complete application. Additional items that may be requested depending on the circumstances, including:
 - a. Payment
 - i. Private Floating Facility (Dock): \$35.00 which includes \$10.00 administrative fee and \$5.00 annual inspection fee.
 - ii. Vegetative Modification: \$10.00
 - iii. Boundary Line Maintenance: No cost.
 - b. Surveillance Plan
 - c. Construction Plans stamped by Professional Engineer
 - d. Engineer Certified Electrical Plans
 - e. Notarized Bill of Sale, if new ownership
- iii. An onsite inspection will be conducted by project personnel and area delineated or route marked when necessary.
- iv. Copy of permit, permit tags and all supporting documents will be provided to you, if approved.

7. Inspection and Permit Renewal:

- i. *Private Floating Facilities:*
 - a. All facilities will be inspected at minimum once annually to evaluate permit compliance, typically around April 1 with monthly follow up inspections as necessary.
 - b. Items Inspected on Private Floating Facilities:
 - i. General: Permit plate on shore and lake side of dock, correct placement/location, any new construction of walkway sections, docks, swim platforms. Verification that minimum design standards are met and authorization was issued for all construction. Unauthorized activities on shoreline, i.e. burning, use of motor vehicles, cutting of trees, cables/ropes attached to trees.
 - ii. Flotation: Must provide sufficient support to prevent the structure of the dock or walkway from sinking when the weight of a person is applied to it. No missing flotation or obviously detached sections.
 - iii. Structure: Evaluated for safety issues such as tripping hazards, broken, rotten or missing decking, broken substructure, damaged roof supports, missing supports between fingers.
 - iv. Walkways: Must be free of tripping hazards, broken, rotten, or missing decking, flotation, handrails/guardrails, attached to dock and between walkway sections.
 - v. Anchoring: Anchors, anchor arms, attachment to dock, cables, correct angle or “set” of dock must be sufficient for support as designed.
 - vi. Electrical: Type and authorization status of electrical service, GFCI test, all wiring in conduit, covers on lights. Service line to dock (if present).
 - vii. Other: Any other safety hazards or Title 36 violations.

- c. Owners of non-compliant facilities will be notified by letter and instructed to correct all deficiencies.
 - d. Expiring permits will not be renewed until all deficiencies are corrected.
 - e. Permit revocation and dock removal request may be initiated after 90 days, unless a corrective plan has been approved to correct deficiencies.
 - f. Any facility which is not removed when required by permit conditions or when requested after revocation of the permit will be treated as an unauthorized structure pursuant to Title 36, Chapter III, Part 327.20, of the Code of Federal Regulations. (See Section 8 for more details.)
- ii. *Vegetative Modifications:*
- a. Inspections of permitted vegetation modification will be conducted randomly to evaluate compliance and at least 90 days prior to the date of expiration for permit renewal.
 - b. The permittee will be notified by letter of any deficiencies found.
 - c. All deficiencies must be corrected prior to renewal of the permit.
 - d. Grandfathered mowing permits, which are not renewed within 90 days of expiration will be permanently voided.

8. Permit Revocation Procedures.

- i. Shoreline use permits are issued in accordance with the criteria and guidelines contained in Part 327.30, Title 36 CFR. The District Engineer or his/her representative has the authority to revoke the permit for failure to comply with the conditions of the permit or when it is determined that such permit revocation would be in the best public interest.
- ii. Examples that may warrant permit revocation:
 - a. Failure to maintain the facility in a safe and serviceable condition.
 - b. Failure to renew permit upon expiration, request change in ownership.
 - c. Non-response by permittee following written or verbal communication
 - d. Repeated, intentional or significant encroachments of other violations of Title 36 CFR Sec. 327.
- iii. In cases where two or more activities (i.e. vegetative modification & boat dock) are combined, the revocation of the permit may result in a loss of both activities.
- iv. Prior to revoking a permit for non-responsiveness the Project Office will make a minimum of 3 attempts (by mail) to contact the last permittee of record.
- v. In those cases where termination of the permit and/or removal of the facility has been deemed the most appropriate course of action, the Operations Project Manager or his/her representative will give the permittee notice of revocation by certified mail and cite in detail the reasons. The permittee will have 30 days from the receipt of the letter to request an appeal. All requests for appeal should be

directed to the Operations Project Manager.

- vi. If an appeal is duly requested by the permittee, the Operations Project Manager or his/her designee will meet with the permittee and then will either be furnished in writing to the permittee by certified letter, either modifying the revocation notice or upholding it. The permittee may within 5 days appeal the decision of the Operations Project Manager or his/her representative to the District Commander who shall be advised in the Operations Project Manager's decision letter.
- vii. If the permittee does not request an appeal within the 30 day period, the Project Office will make a follow-up inspection.
- viii. If the unpermitted facility is still on project lands/waters on the site and has not been restored, a notice of revocation will be posted on the dock and the permittee will be given 30 days to remove the facility from the Project and restore the site to the satisfaction of the Operations Project Manager at the expense of the permittee.
- ix. If at the end of the 30 day removal period the facility has not been removed, the Project Office will either impound the dock in place or if the situation allows it may be removed and held in impound at a location designated by the Operations Project Manager. The dock will be held impounded for a period of 120 days, then it shall be disposed of according to federal regulations.
- x. Upon removal of any floating facility, the vacated location will be evaluated and determination made for new permit by following the most current PT SMP.

9. Related Programs: A significant program related to the PT SMP and administered in conjunction with the Kansas City District Real Estate Division include:

a. Limited Motel/Resort License: This real estate outgrant was adopted for use at Pomme de Terre Lake in 1991 to allow adjacent motel or resort operators to provide additional services for the bona fide overnight guests of their resort(s) on project land. Authorized activities and services will be described in the license agreement and may include mowing and maintenance of project land, placement and use of floating boat docks, installation and maintenance of electrical service for docks, rental of fishing boats, and maintenance of lake access roads, turnarounds, and parking areas. All existing and future limited motel/resort leases must be contained within Limited Development areas as defined by the Shoreline Management Plan. Requests for new leases will not be considered outside the confines of an area zoned for the placement of boat docks. Similarly, a request for Limited Motel Resort will not be considered for Limited Development Areas (dock zones) that are over 50% utilized.

10. Miscellaneous Permits:

a. *Burn Permits:* A burn permit is required for any burning on fee owned land. They are issued at no cost and can be obtained by contacting the Project Office to schedule a site visit to inspect the items to be burned and the area in which the burning will take place. The permittee is

responsible for adhering to the terms and conditions listed on the burn permit. Dock debris, flotation and tires are among the items prohibited in the terms and conditions. The permittee is responsible for all activities associated with the burn and for all control measures. Burn Permits are normally issued for a period not longer than 14 days and can be extended for another 14 days without re-inspection.

b. Work Permits: A work permit is required any time a vehicle or equipment must be taken beyond an authorized parking lot or roadway to work on a dock or associated structures. A work permit may also be issued in response to a request to remove a hazardous tree from Public Lands. Removal of hollow or trees which may provide specific sheltering/nesting habitat to threatened or endangered species will not be authorized between April 1 and October 31. Work Permits are issued at no cost and can be obtained by contacting the Project Office to schedule a site visit. Work permits are issued for a specific work purpose and normally expire within 14 days of issuance. Work Permits may require the permittee to restore an area after the work is complete. Restoration may include such things as filling or grading any ruts or wheel tracks, blocking vehicular access along any pathway used by the equipment or planting grass. Restoration depends upon the nature of the work and impact on the shoreline where it is done.

Appendix A – Dock Zone Utilization

Appendix A – Dock Zone Utilization

Last updated May 2017 (K) columns added I June 2017

Appendix A - Dock Zones Pomme de Terre Lake

Zone #	Length of zone	# Docks	Utilized	% Capacity	Map (K)Length	Measured (K)Length
1*		1	104	--		
2	365	9	353	96	365	365
3	180	6	178	99	180	180
4	230	4	150	65	230	230
5	1050	15	724	69	1050	1050
6*	65	1	44	--	65	65
7	130	3	156	130	130	130
8	250	8	242	97	250	250
9*	350	6	463	132	350	350
10	125	3	114	91	125	125
11	1000	25	826	83	1000	1000
12	160	5	167	104	160	160
13	300	12	358	119	300	300
14	1240	21	1010	81	1240	1240
15*	370	8	313	85	370	370
16	785	22	763	97	785	785
17*	535	8	458	86	535	535
18	330	6	330	100	330	330
19*	1360	18	837	62	1360	1360
20	165	5	176	107	165	165
21	180	5	144	80	180	180
22	495	10	354	72	495	495
23	800	13	571	71	800	800
24	450	2	71	16	450	450
25	660	13	603	91	660	660
26	1445	22	944	65	1445	1445
27	330	8	300	90	330	330
27A**	150	0	0	0		
28*	128	1	128	100		
29	250	7	231	92	250	236
30	165	4	168	102	165	165
31	455	10	424	93	455	455
32	455	11	439	96	455	455
33	580	9	350	60	580	580
34	660	15	622	94	660	660
35	330	8	252	76	330	330
36	660	15	549	83	660	660
37	125	3	107	86	125	125
38	290	4	132	45	290	290

Appendix A – Dock Zone Utilization

Last updated May 2017 (K) columns added I June 2017

39	495	3	119	24	495	495
40	410	5	200	48	410	410
41	410	7	296	72	410	410
42	205	3	196	96	205	205
43	290	6	229	79	290	290
44	910	15	707	77	910	910
45	785	9	393	50	785	785
46*	575	10	521	91	575	575
47**	165	0	0	0		
48	250	5	170	68	250	250
49	785	11	562	64	785	785
50*	660	9	471	71	660	660
51	495	12	461	93	495	495
52	1280	16	682	53	1280	1023
53	205	5	212	103	205	205
54	330	6	275	83	330	330
55	310	4	162	52	310	234
56	580	12	508	88	580	580
57	370	10	359	97	370	370
58	370	8	355	96	370	370
59	290	5	208	72	290	346
60	330	5	200	60	330	330
61	345	5	226	65	345	345
62	455	9	368	81	455	455
63	500	15	490	98	500	500
64	620	14	585	94	620	620
total	29,825	555	23,026	82%		

* These Dock Zones have Limited Motel resort dock(s) in them & included in utilization rate.

** These 2 Dock Zones were originally created for placement of Limited Motel Resort docks, however they have never been utilized. Slated for removal from the SMP Zoning.

Shoreline Length 113 miles (596,640 feet).

2015 Zone Information:

Total Zone Length: 29,825 feet. Or 4.99% of shoreline.

Total docks in zones: 555

2017 Draft Zone Information:

Appendix A – Dock Zone Utilization

Last updated May 2017 (K) columns added I June 2017

Total Zone Length: 29,510 feet, a reduction of .05%

Total Docks in Zones: 555

4 dock zones are currently at less than 50% of capacity, however due to circumstances identified, currently are not conducive for new permits, (#24, #38, #39 & #40).

Zone #24 is in a very undesirable location due to shoreline condition and accessibility, it can only be accessed by a low maintenance walking trail approximately 150 yards in length, to an area where the shoreline is rough, rapidly eroding and collects large amounts of drift.

Zone #38 is located in the back of the cove where the only access to the shoreline through private property. If a new dock request came in for this zone it would only be approved if the new permit holder owns adjacent private property for access.

Zone #39 is located in a small cove where the majority of the shoreline is un-useable for docks due to depth and narrow confines of cove. Also the only access is through private property and then only by a walking path of 100 yards in length. Even though the zone is at less than 50% there is no space available for a new dock permit.

Zone #40 is located in a small cove where the majority of the shoreline is un-useable for docks due to maintaining 20 feet between the docks and allowing enough room to utilize the licensed boat ramp in the cove. Even though the zone is at less than 50% there is no space available for a new dock permit.

Based on the above conditions, all usable dock zone space is currently at or above capacity, therefore no locations available for new dock permits. As per Dock Zone Limitations Section, “If at any point the dock space utilization falls below 50% due to consolidation or removal of a dock, a new permit will be considered on a first come, first serve basis. No wait list is maintained.

Appendix A – Dock Zone Utilization

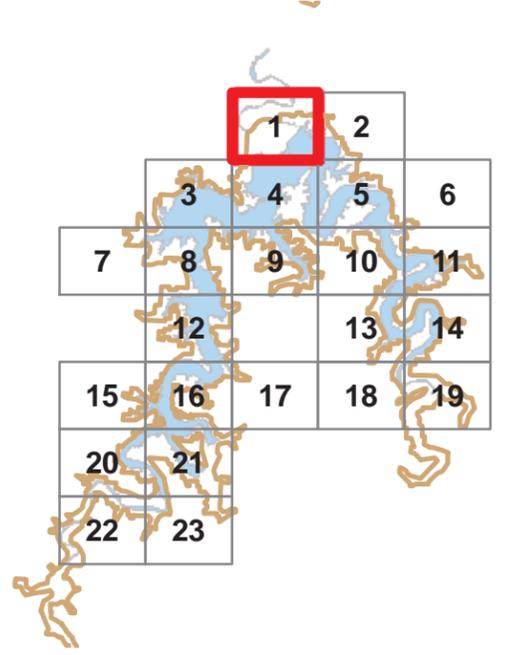
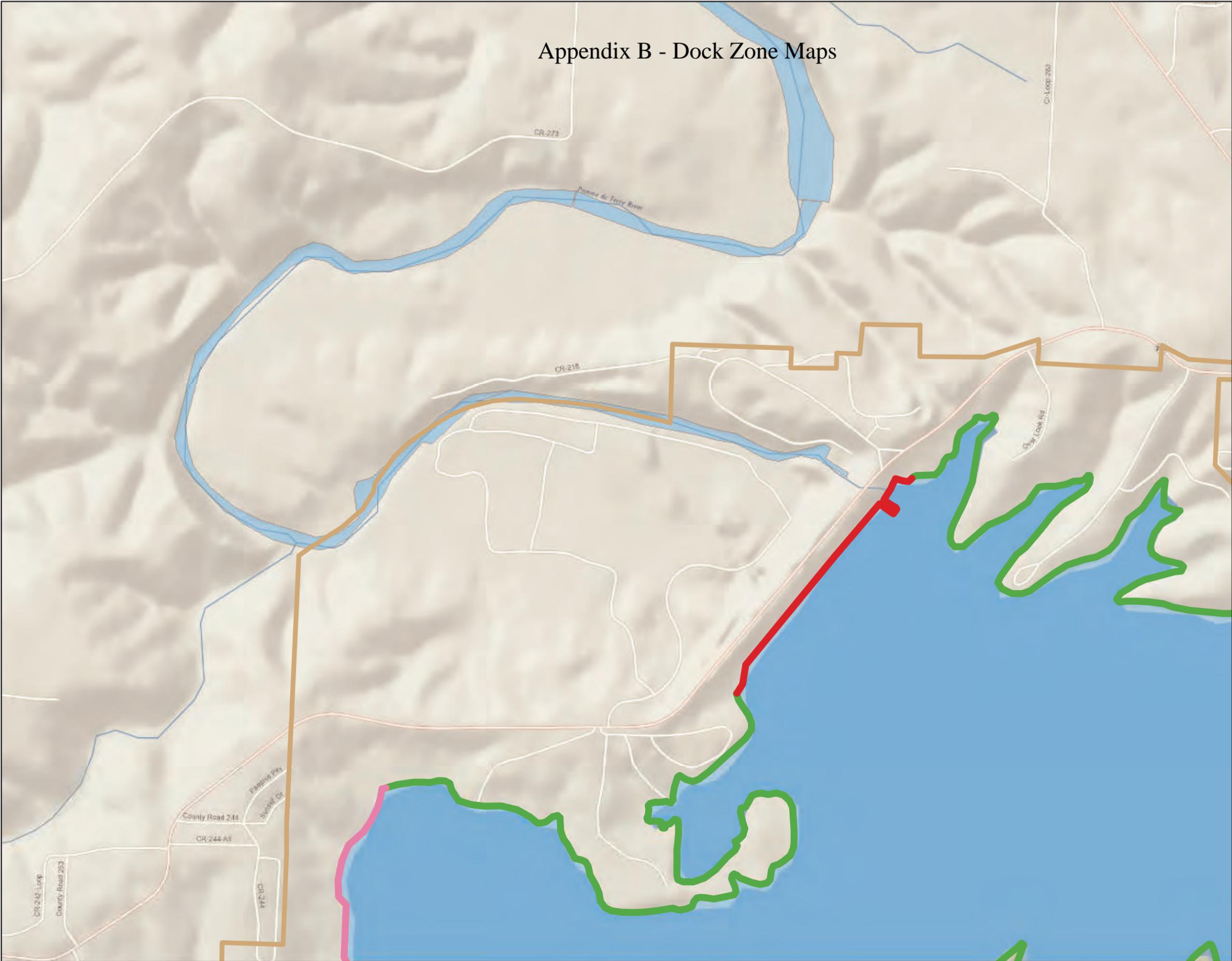
Last updated May 2017 (K) columns added I June 2017

Limited Motel Resort Licensed Docks

Resort Name	Licensee Name	Dock Zone Located In	Size of Dock	Slip #
Willow Winds Resort	[REDACTED]	9	32' x 145' 32' x 100'	
Hickory Grove Resort	[REDACTED]	28	24' x 128'	
Cooper Cove Resort	[REDACTED]	17	154' x 48'	
Nemo Bridge Resort	[REDACTED]	50	48' x 74'	
Angler's Resort	[REDACTED]	1	24' x 104'	
Stillwater Resort	[REDACTED]	15	44' x 66'	
Sunflower Resort	[REDACTED]	6	44' x 76'	
Goody's Resort	[REDACTED]	19	44' x 112'	
Indian Hills Resort	[REDACTED]	46	135' x 26'	

Appendix B – Dock Zone Maps

Appendix B - Dock Zone Maps



Legend

Shoreline Allocation

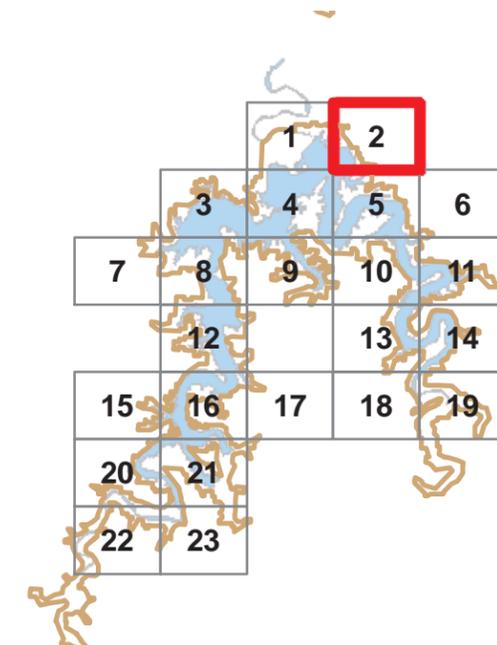
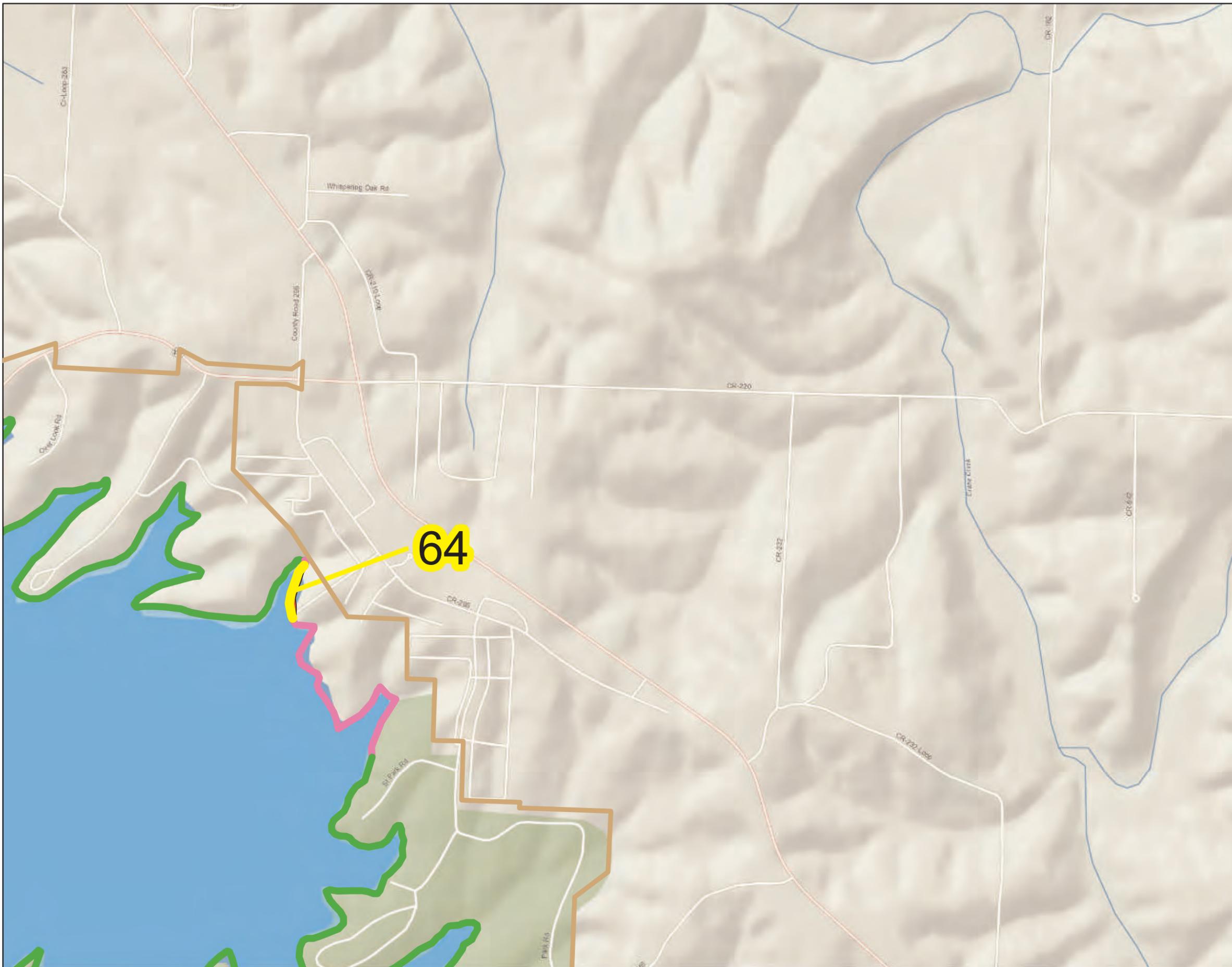
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- Limited Development
- Protected Shoreline
- Prohibited Access
- Dock Zone
- Corps Boundary



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**Pomme de Terre Lake
Shoreline Management Plan**

DATE: May 2017	PLATE NO. Page 1 of 23
--------------------------	---------------------------



Legend

Shoreline Allocation

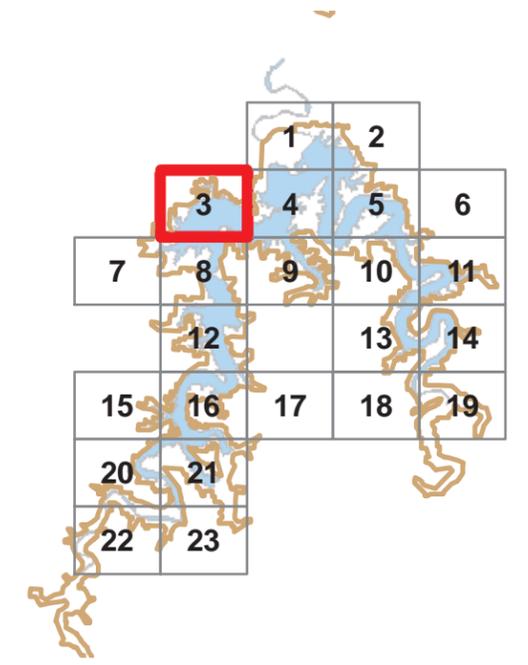
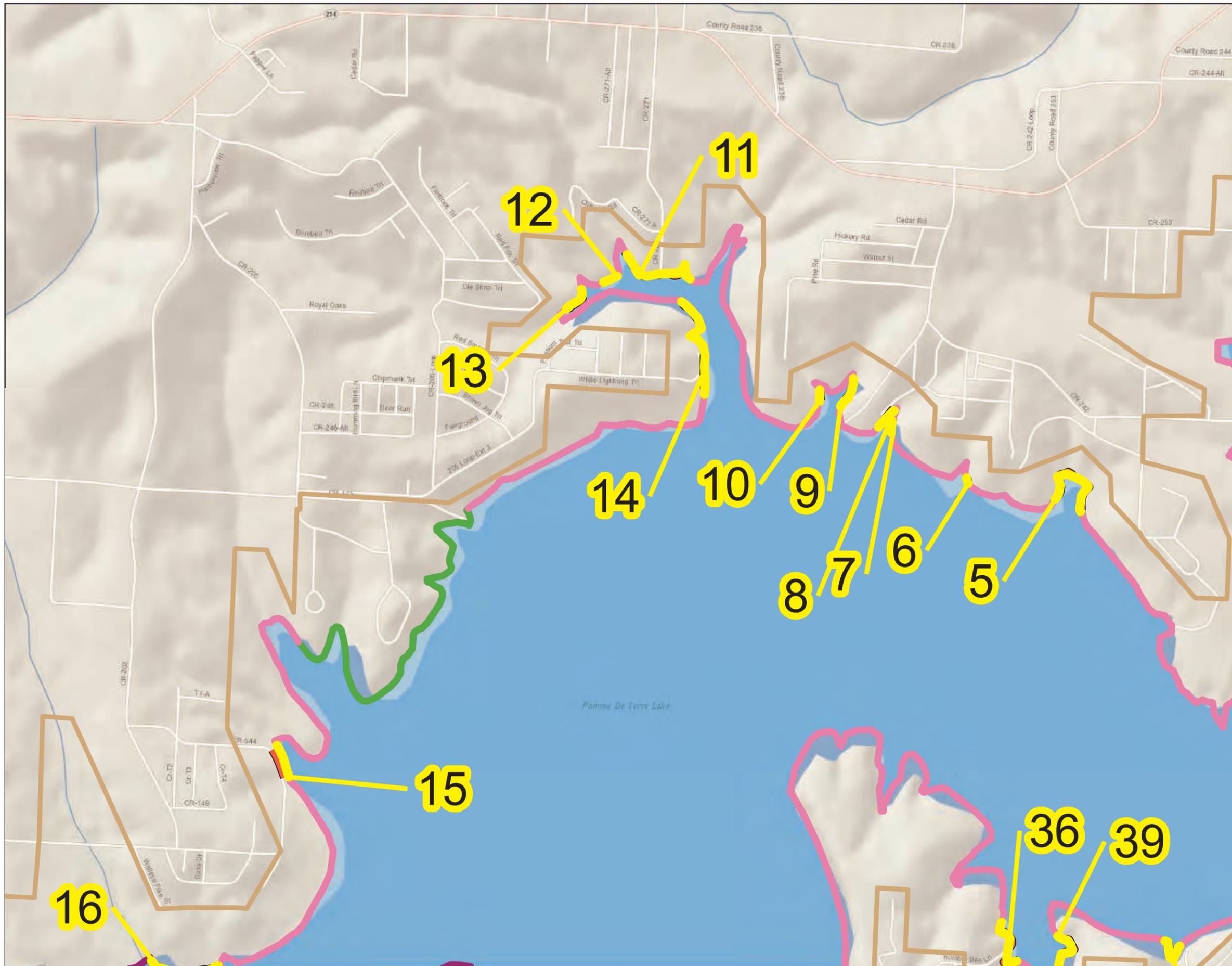
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 U.S. Army Corps of Engineers
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**Pomme de Terre Lake
Shoreline Management Plan**

DATE: May 2017	PLATE NO. Page 2 of 23
--------------------------	---------------------------



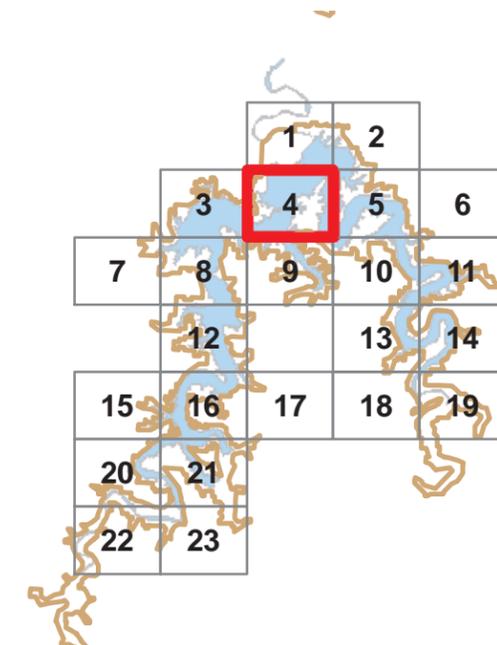
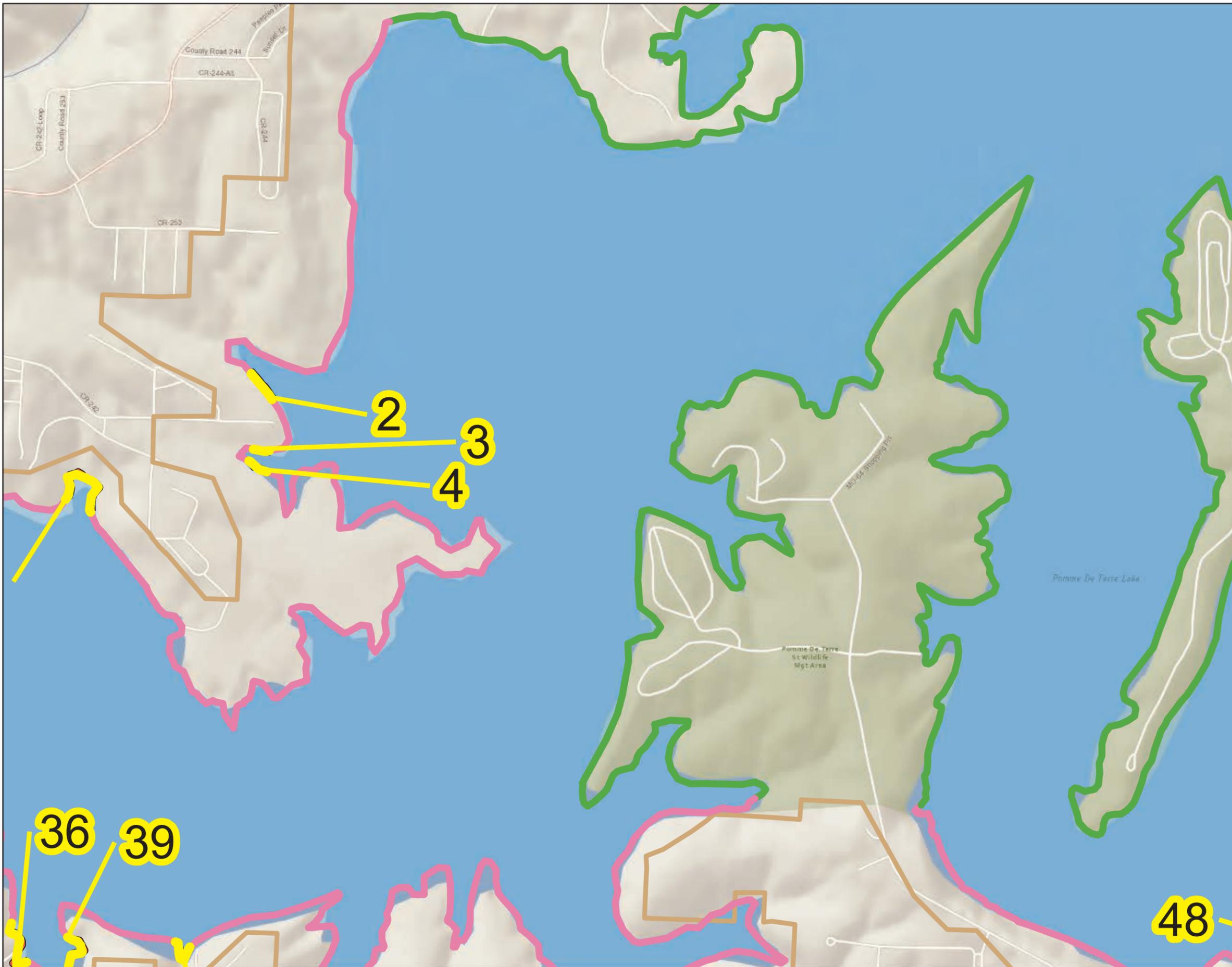
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Shoreline Allocation

- Public Recreation
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U.S. Army Corps of Engineers Kansas City District	
Pomme de Terre Lake Shoreline Management Plan	
DATE: May 2017	PLATE NO. Page 3 of 23



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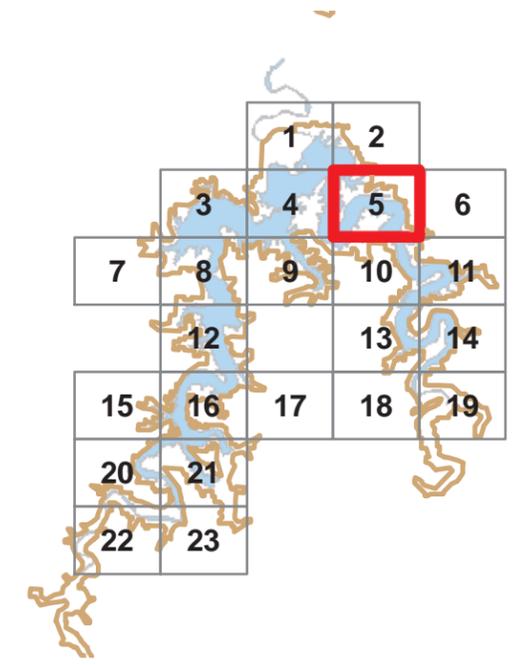
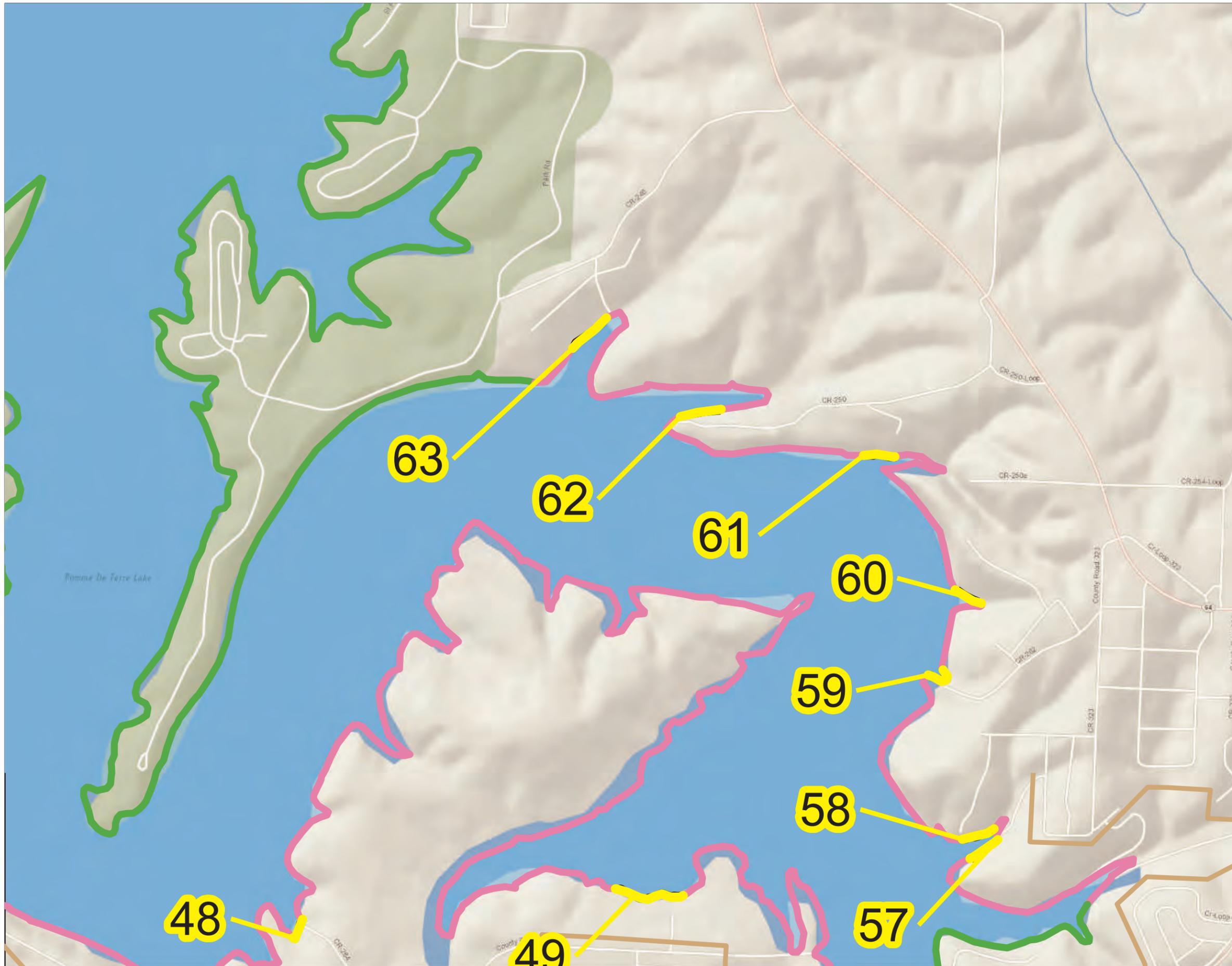
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U.S. Army Corps of Engineers
Kansas City District

**Pomme de Terre Lake
Shoreline Management Plan**

DATE: May 2017	PLATE NO. Page 4 of 23
--------------------------	---------------------------



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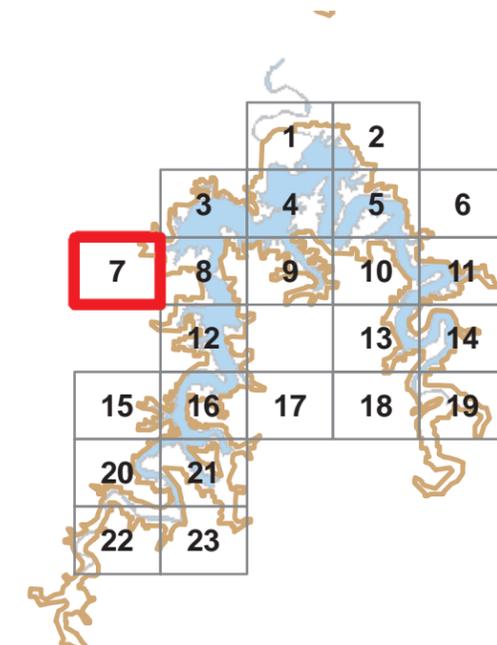
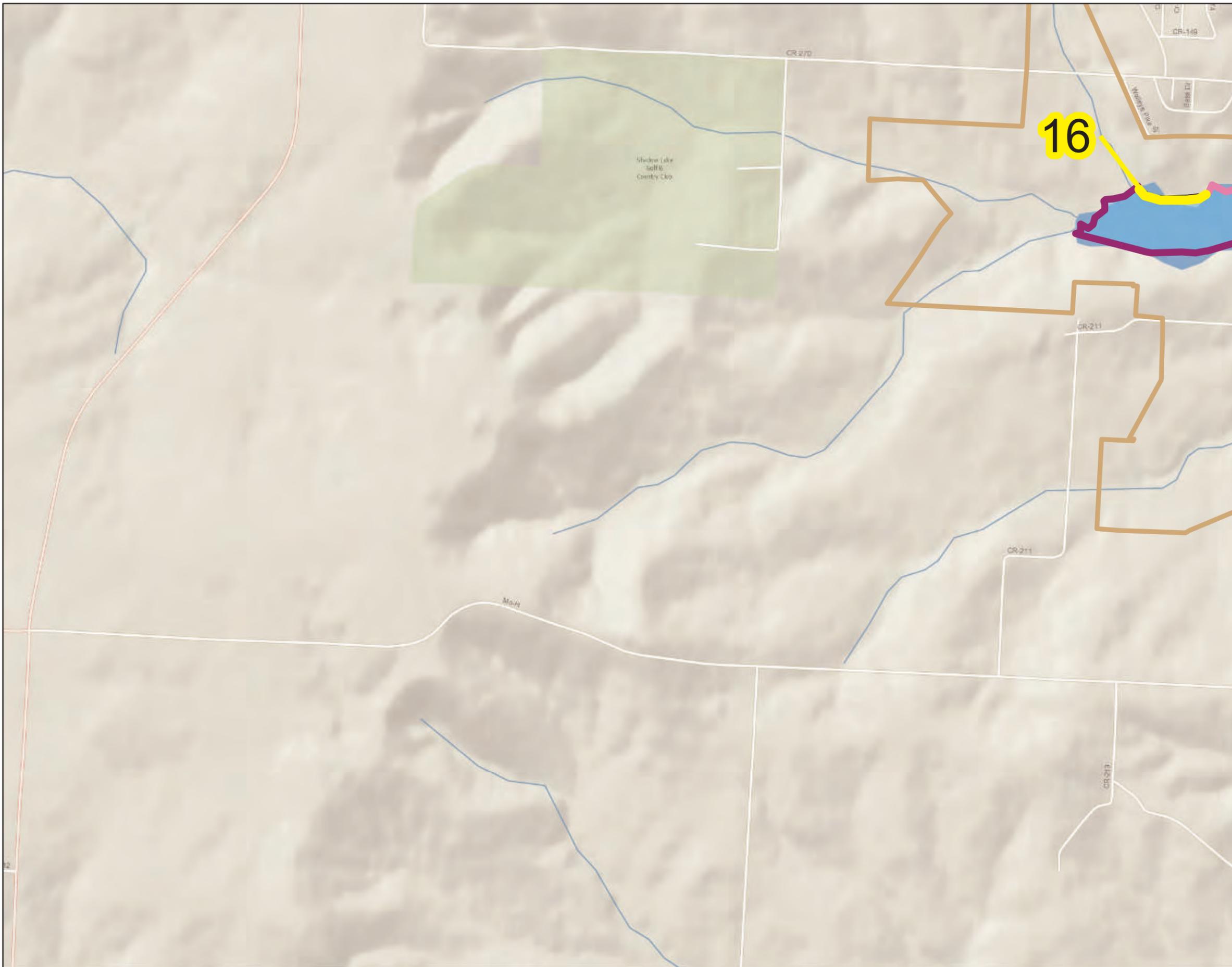
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U.S. Army Corps of Engineers
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**Pomme de Terre Lake
Shoreline Management Plan**

DATE: May 2017	PLATE NO. Page 5 of 23
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Legend

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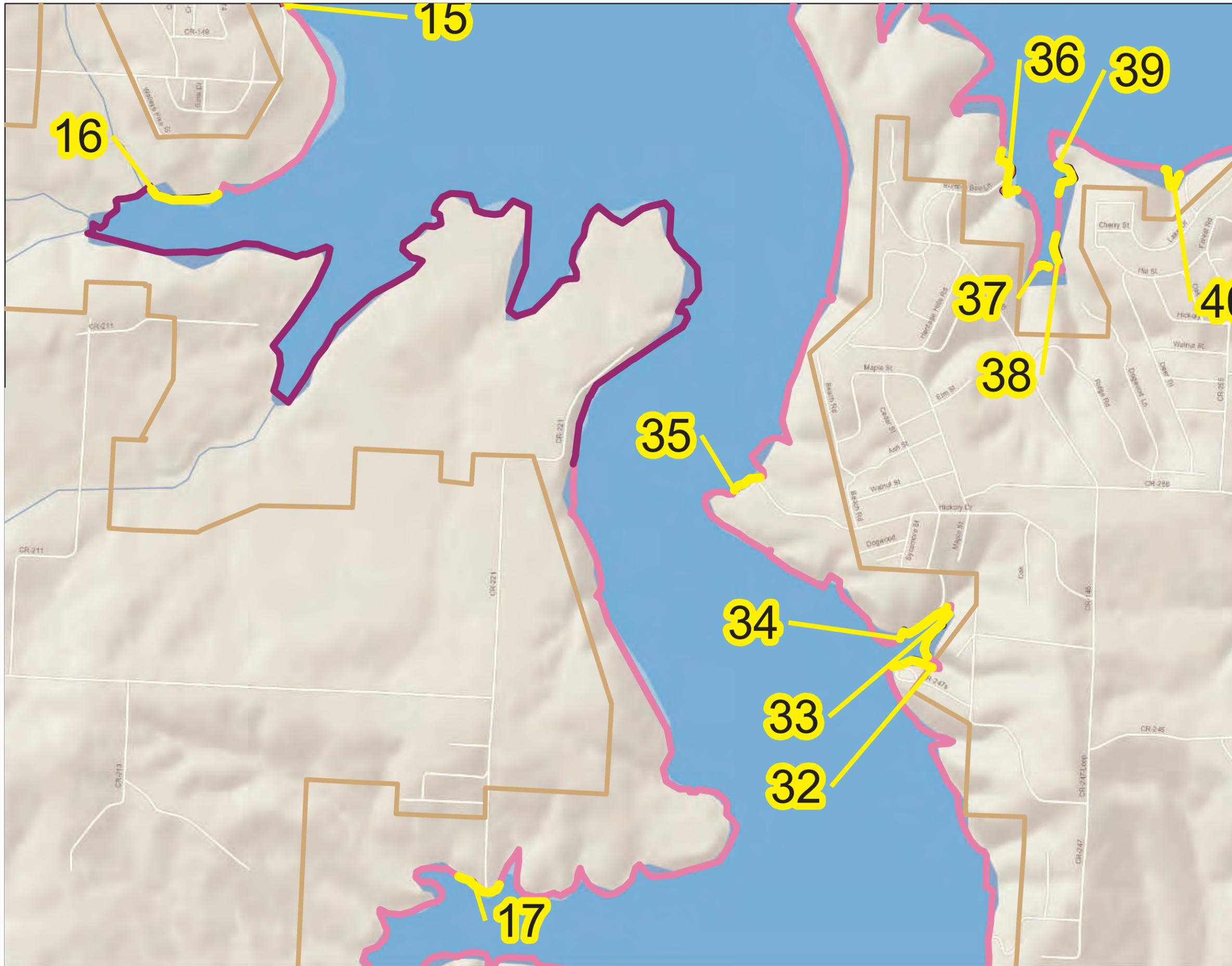
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 U.S. Army Corps of Engineers
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**Pomme de Terre Lake
Shoreline Management Plan**

DATE: May 2017	PLATE NO. Page 7 of 23
--------------------------	---------------------------



Legend

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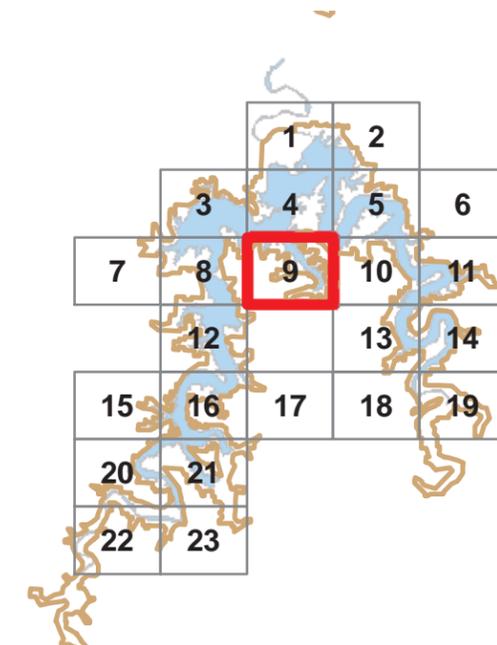
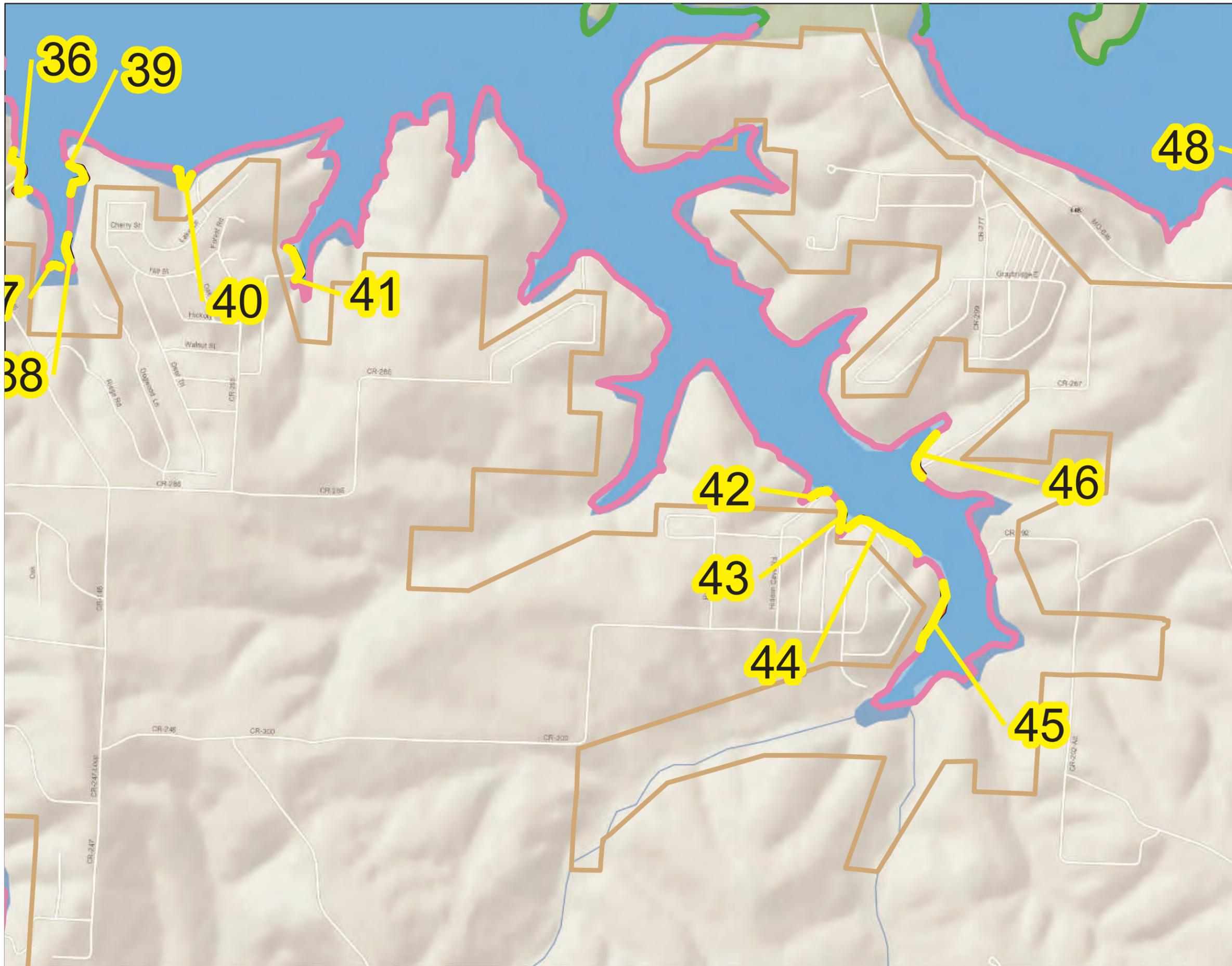
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U.S. Army Corps of Engineers
Kansas City District

**Pomme de Terre Lake
Shoreline Management Plan**

DATE: May 2017	PLATE NO. Page 8 of 23
--------------------------	---------------------------



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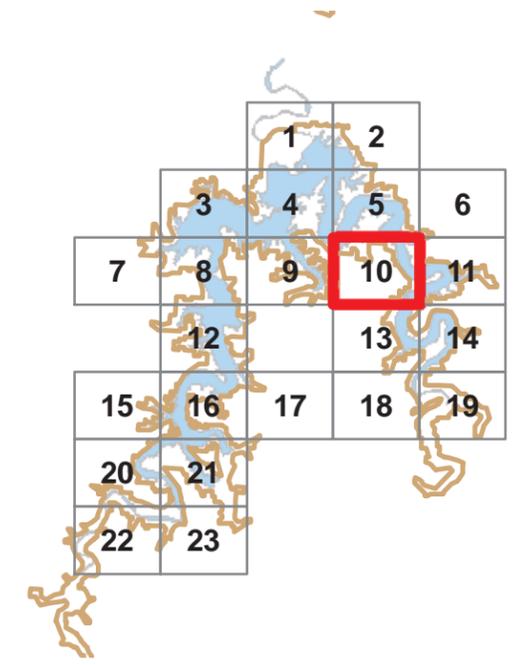
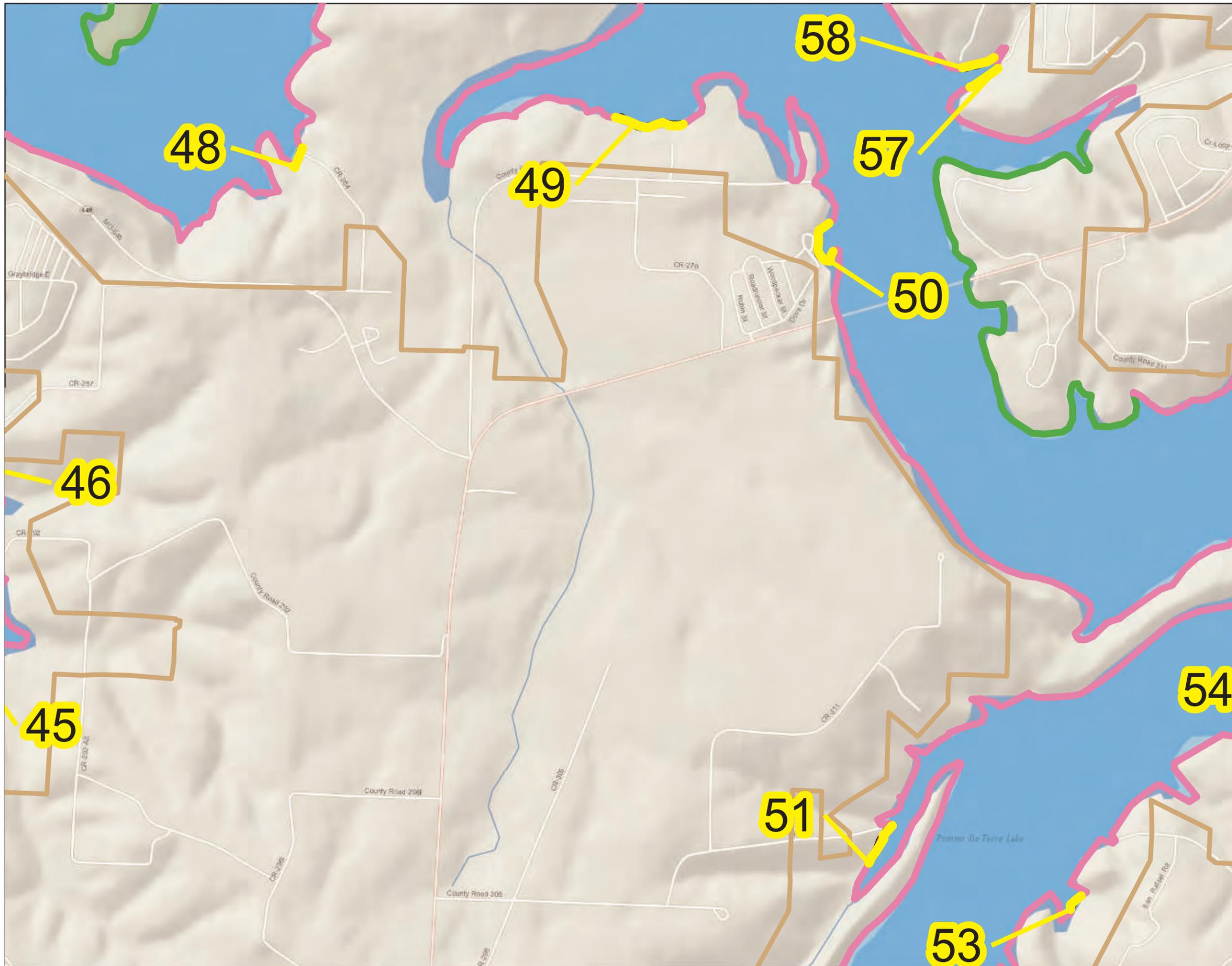
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U.S. Army Corps of Engineers
Kansas City District

**Pomme de Terre Lake
Shoreline Management Plan**

DATE: May 2017	PLATE NO. Page 9 of 23
--------------------------	---------------------------



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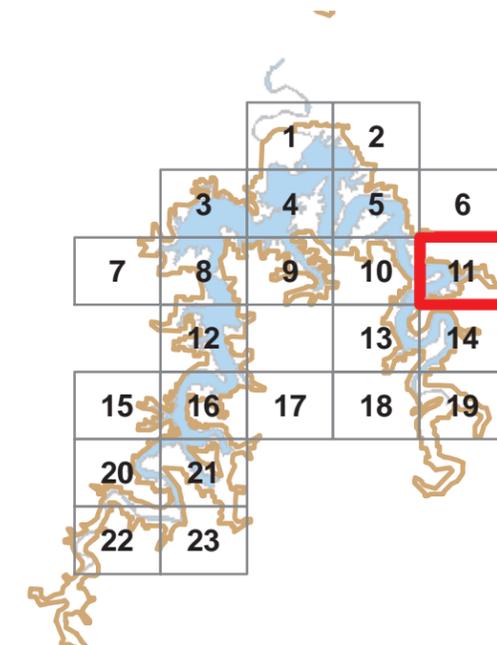
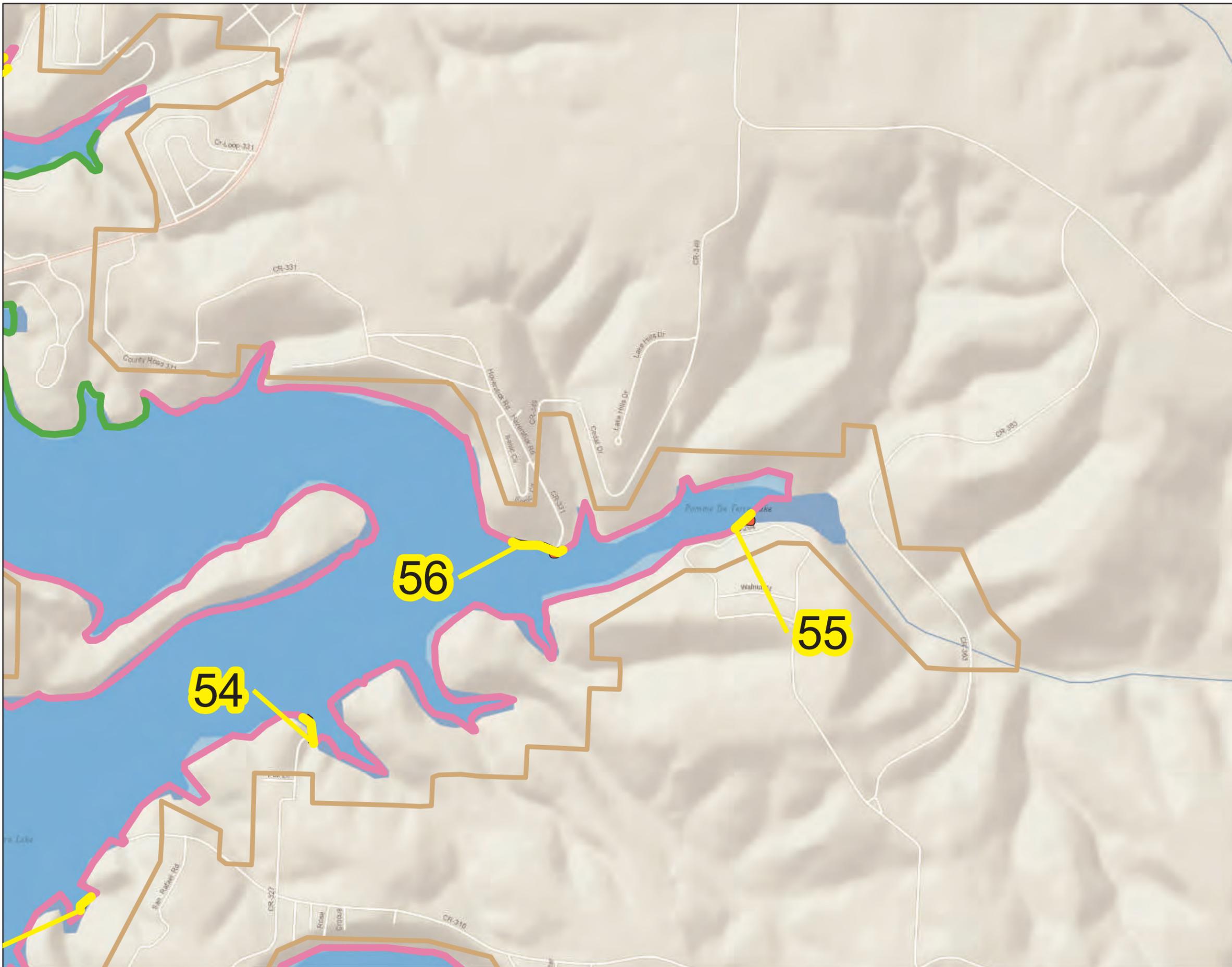
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U.S. Army Corps of Engineers
Kansas City District

**Pomme de Terre Lake
Shoreline Management Plan**

DATE: May 2017	PLATE NO. Page 10 of 23
--------------------------	----------------------------



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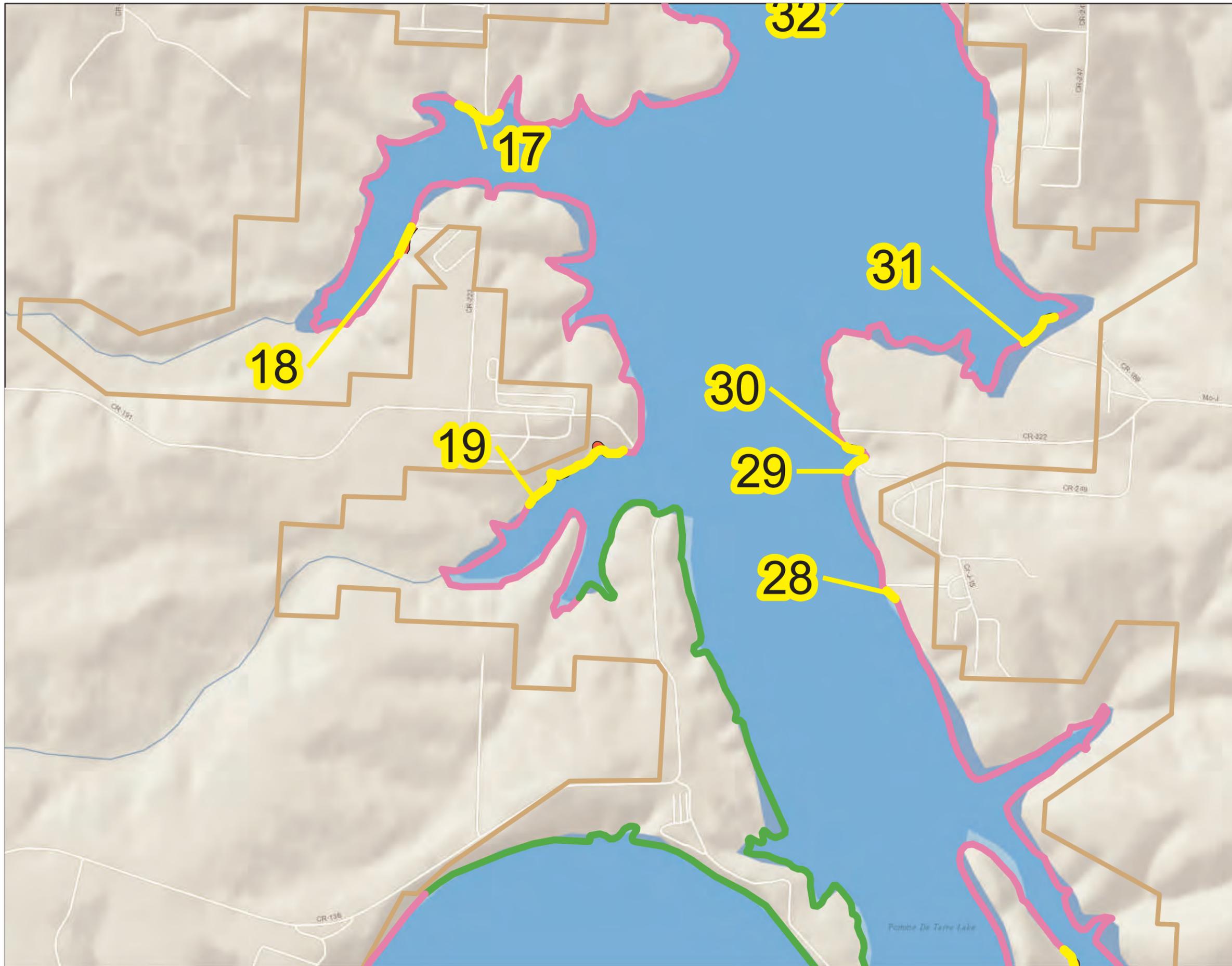
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U.S. Army Corps of Engineers
Kansas City District

**Pomme de Terre Lake
Shoreline Management Plan**

DATE: May 2017	PLATE NO. Page 11 of 23
--------------------------	----------------------------



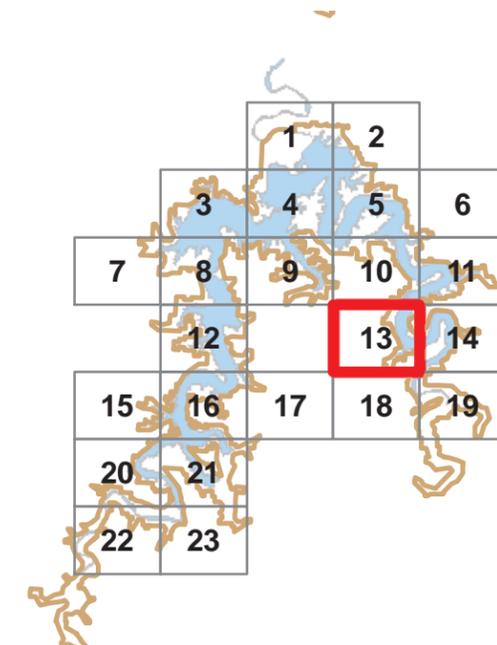
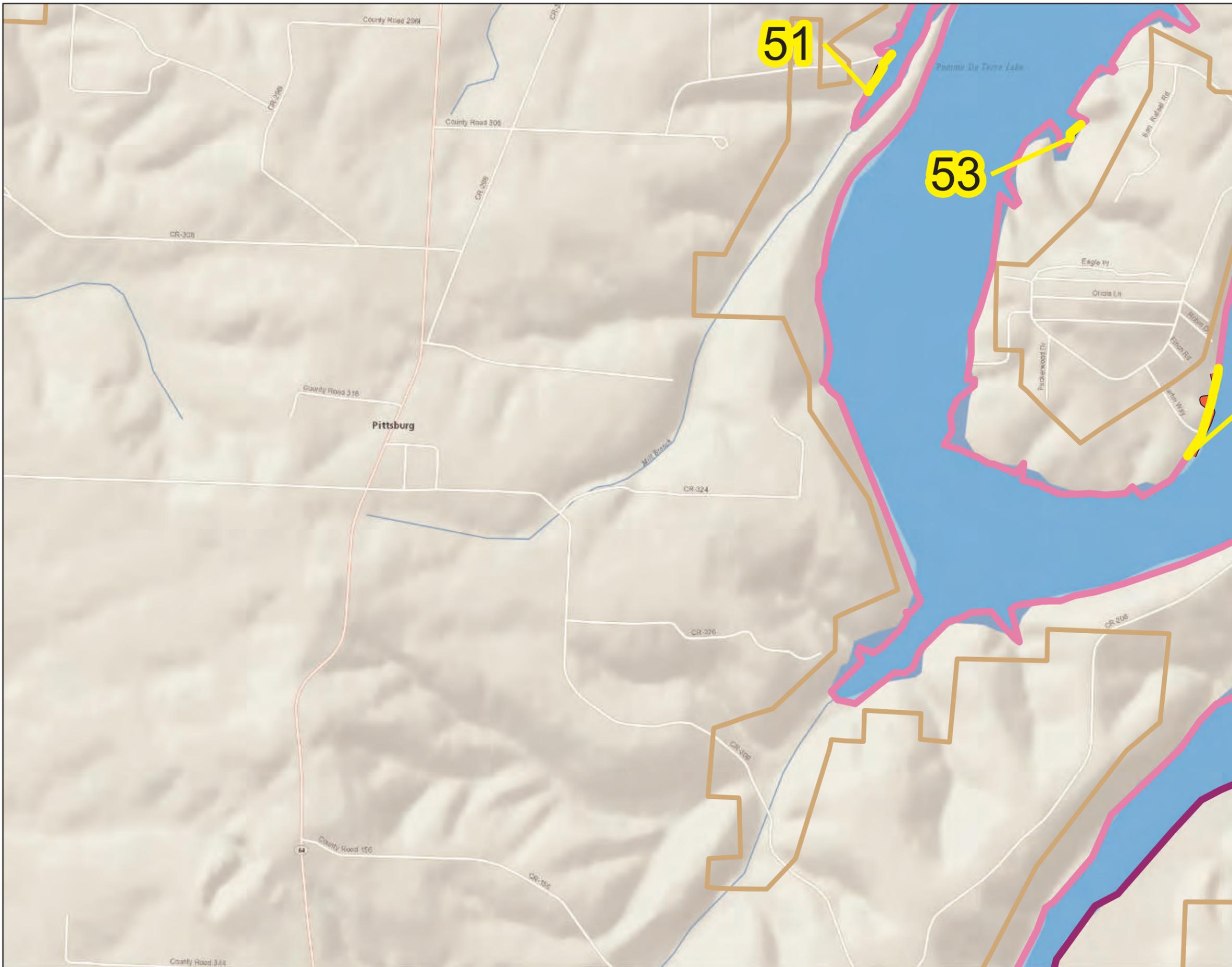
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Shoreline Allocation

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U.S. Army Corps of Engineers Kansas City District	
Pomme de Terre Lake Shoreline Management Plan	
DATE: May 2017	PLATE NO. Page 12 of 23



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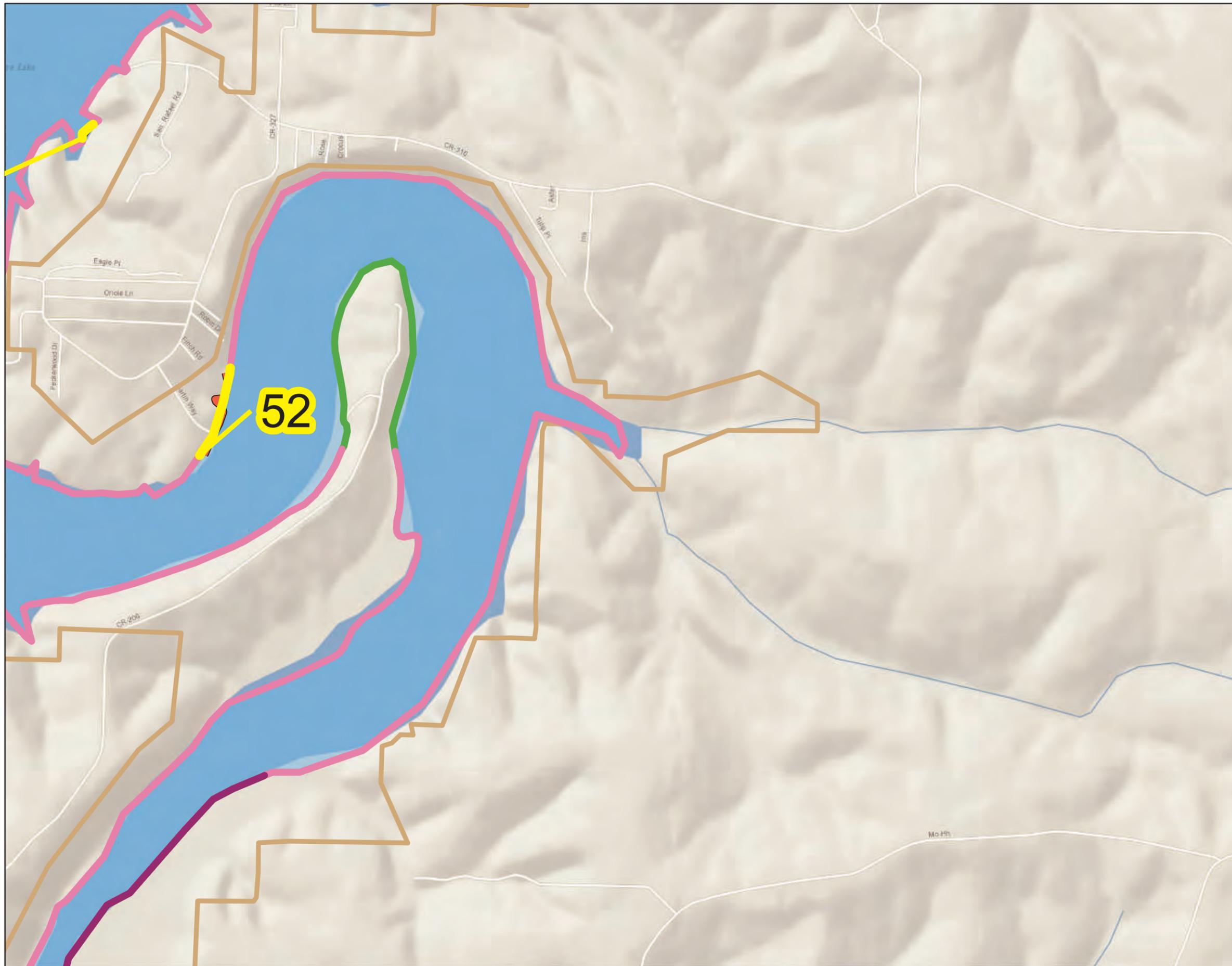
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Kansas City District

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Shoreline Management Plan**

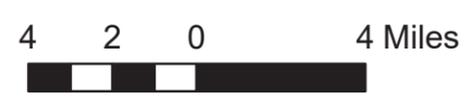
DATE: May 2017	PLATE NO. Page 13 of 23
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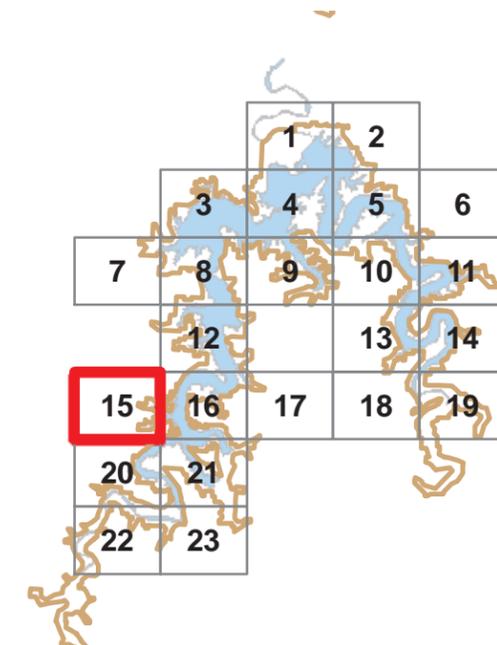
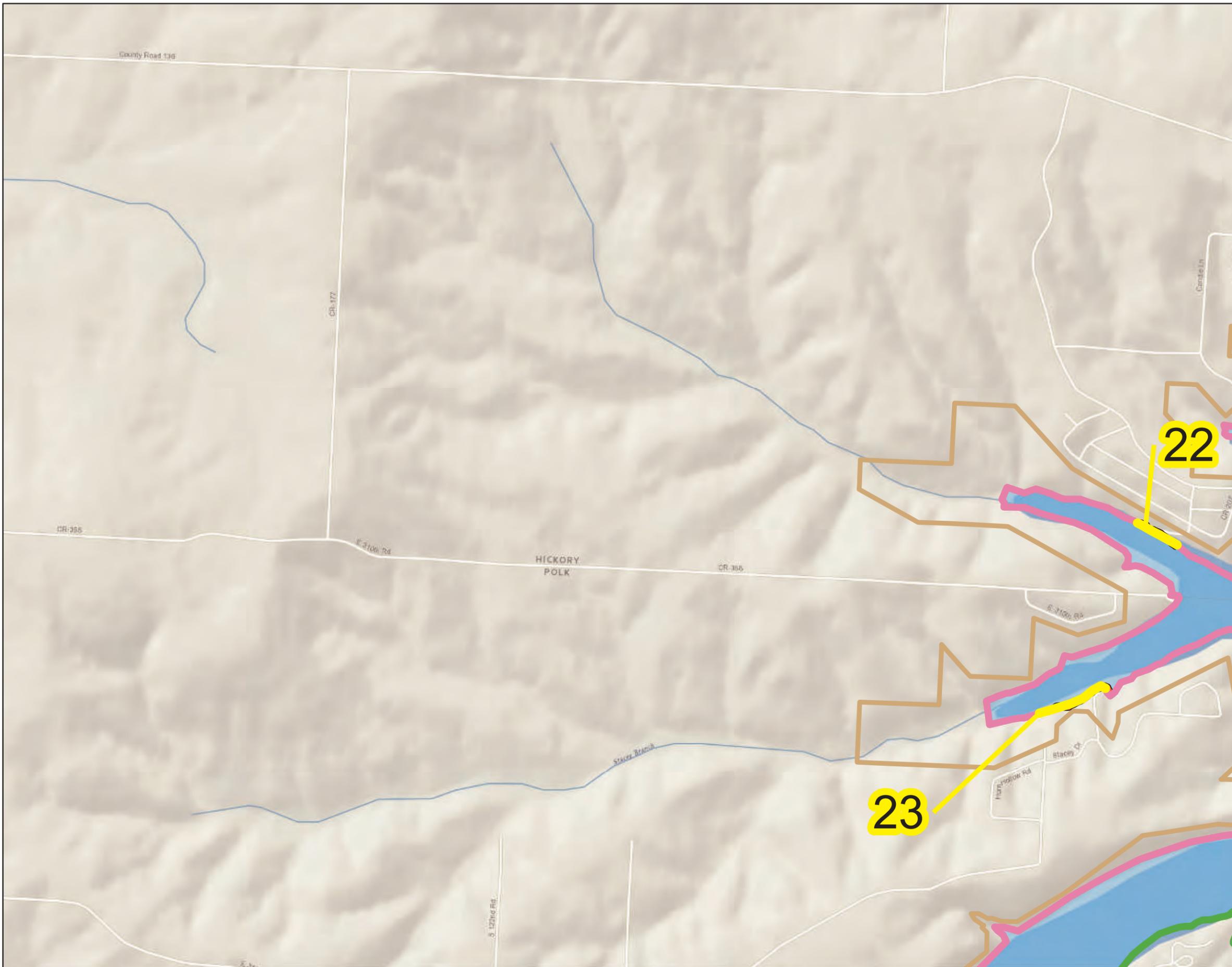
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U.S. Army Corps of Engineers
Kansas City District

**Pomme de Terre Lake
Shoreline Management Plan**

DATE: May 2017	PLATE NO. Page 14 of 23
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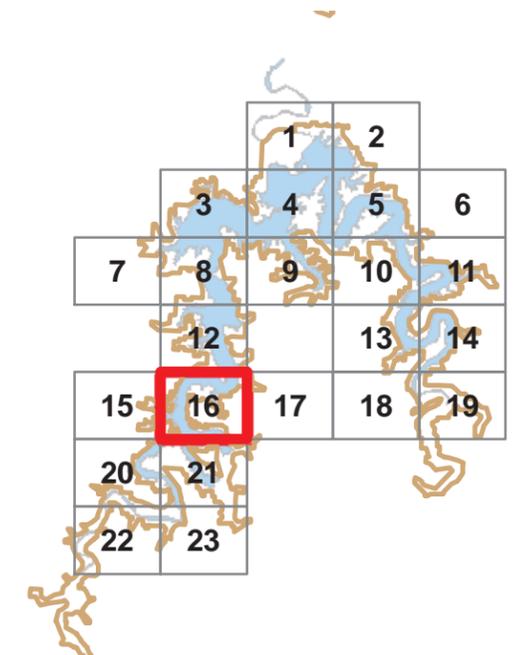
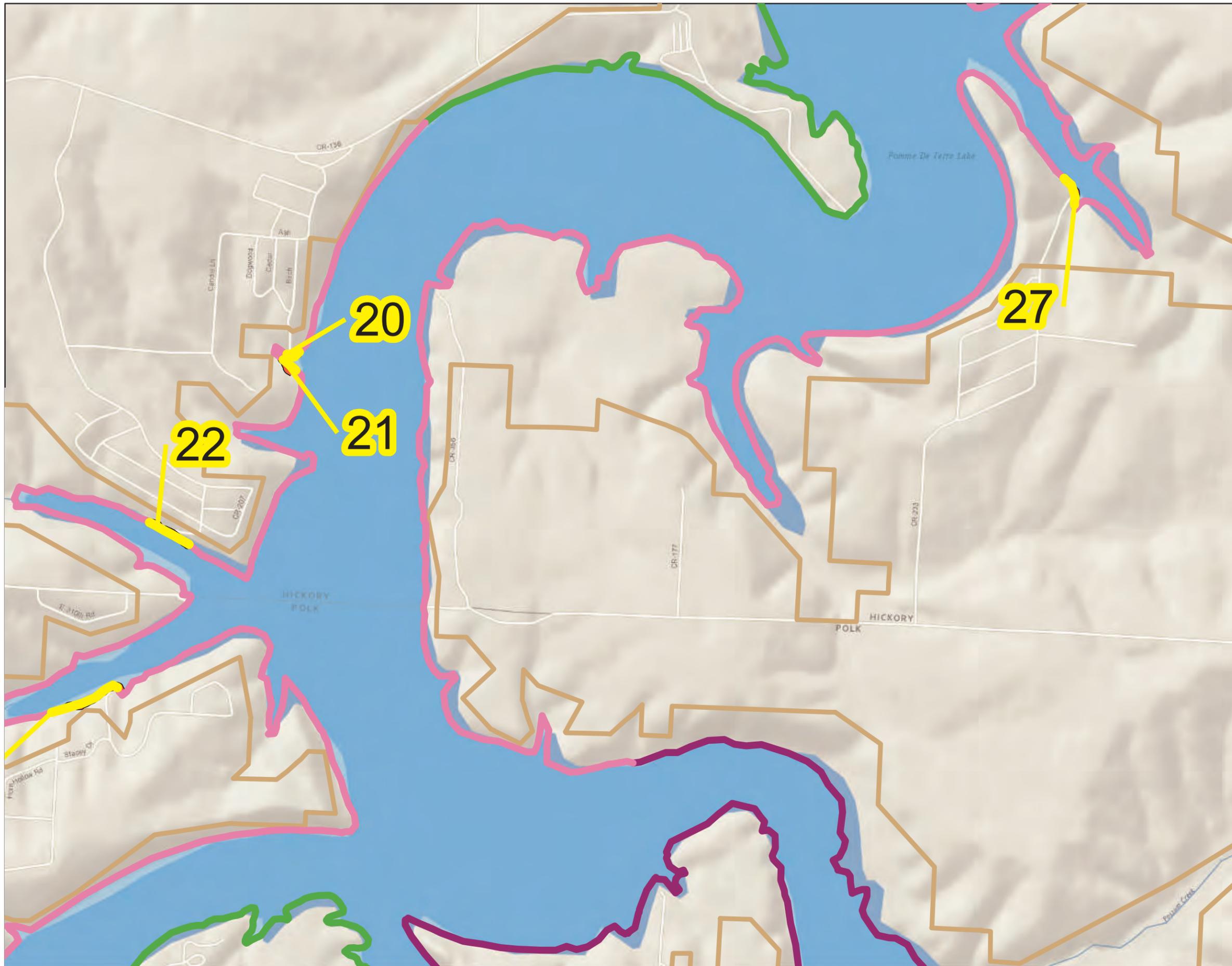
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U.S. Army Corps of Engineers
Kansas City District

**Pomme de Terre Lake
Shoreline Management Plan**

DATE: May 2017	PLATE NO. Page 15 of 23
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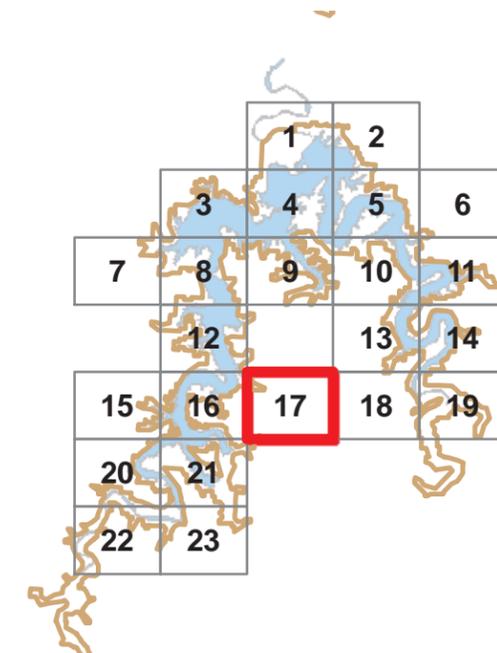
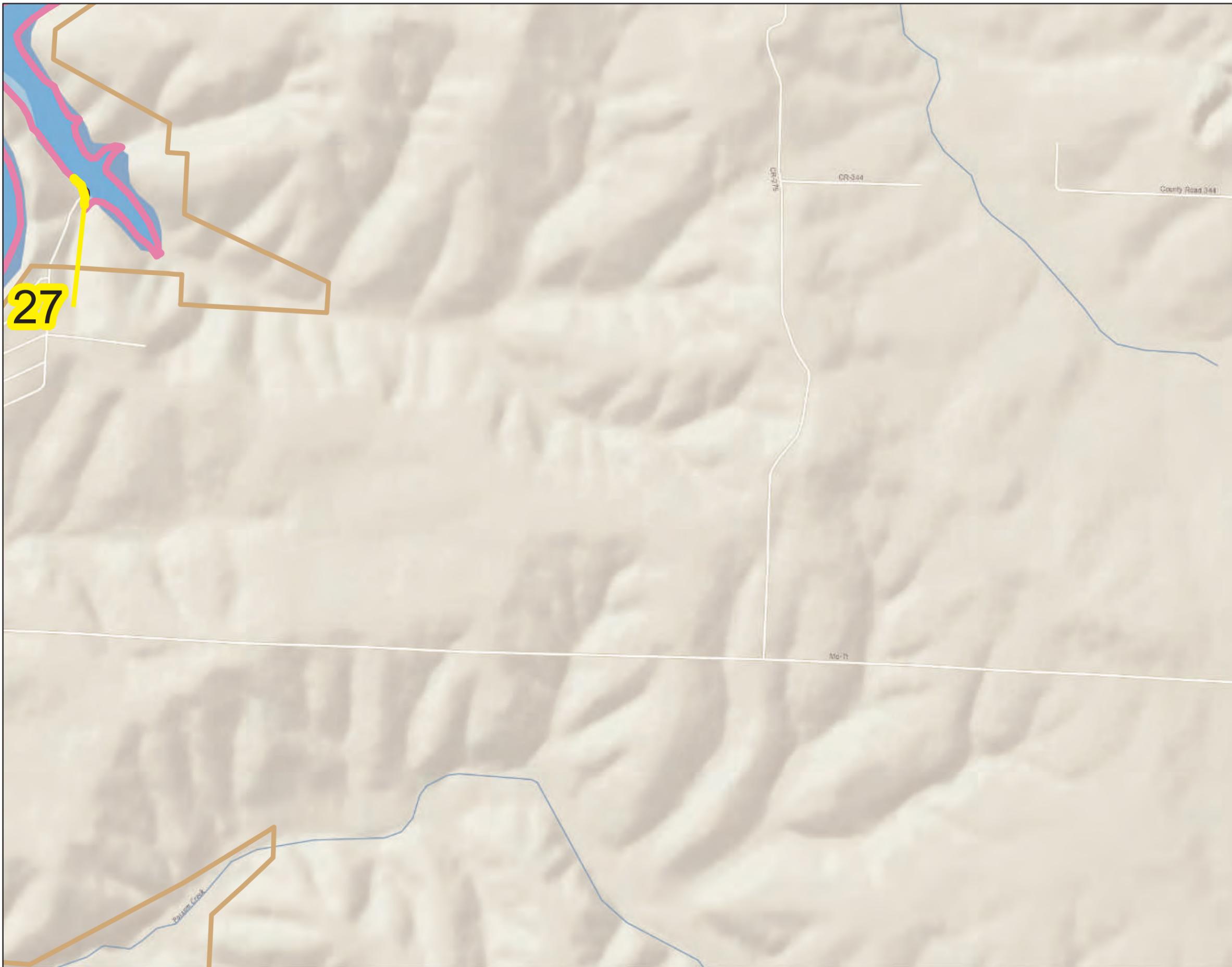
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Shoreline Allocation

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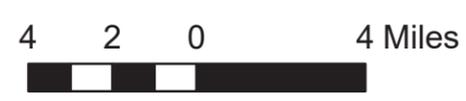
U.S. Army Corps of Engineers Kansas City District	
Pomme de Terre Lake Shoreline Management Plan	
DATE: May 2017	PLATE NO. Page 16 of 23



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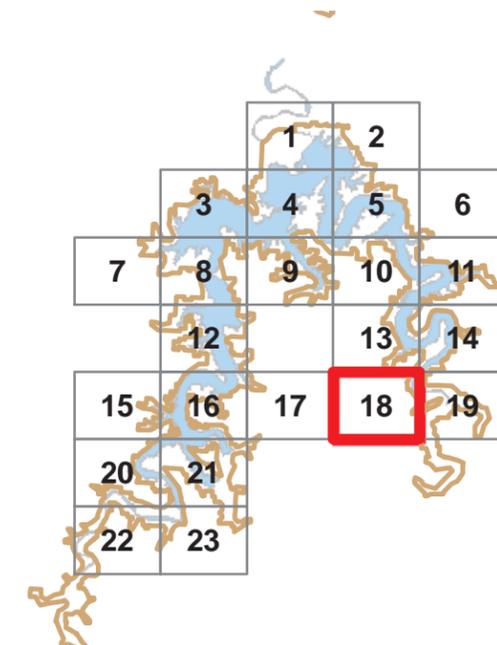
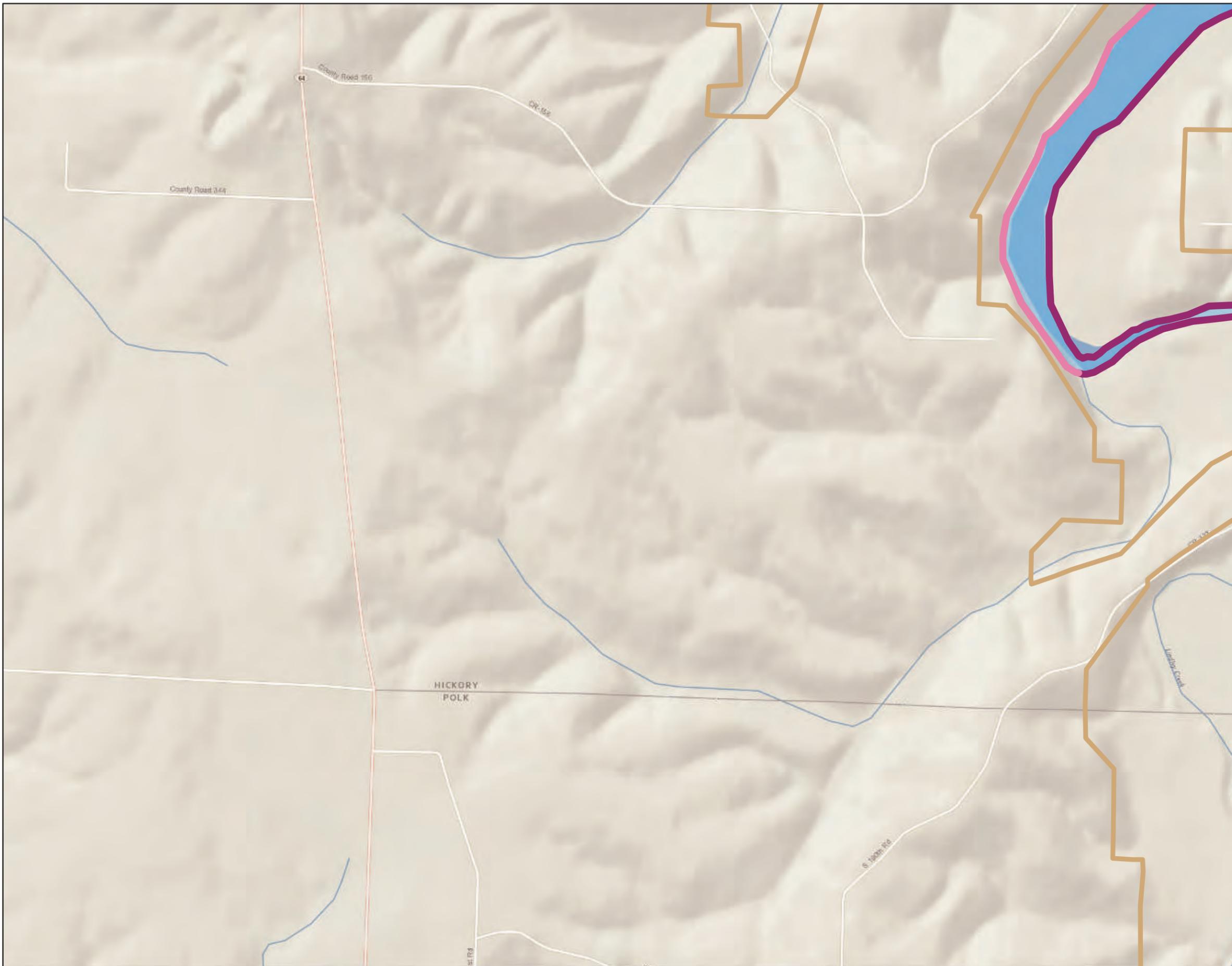
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U.S. Army Corps of Engineers
Kansas City District

**Pomme de Terre Lake
Shoreline Management Plan**

DATE: May 2017	PLATE NO. Page 17 of 23
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Shoreline Allocation

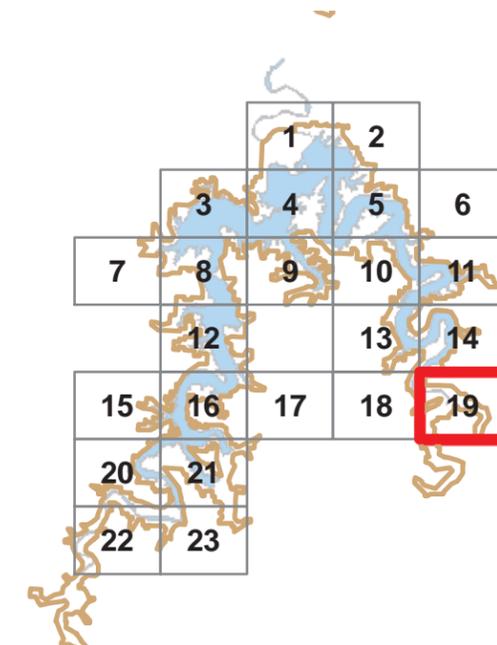
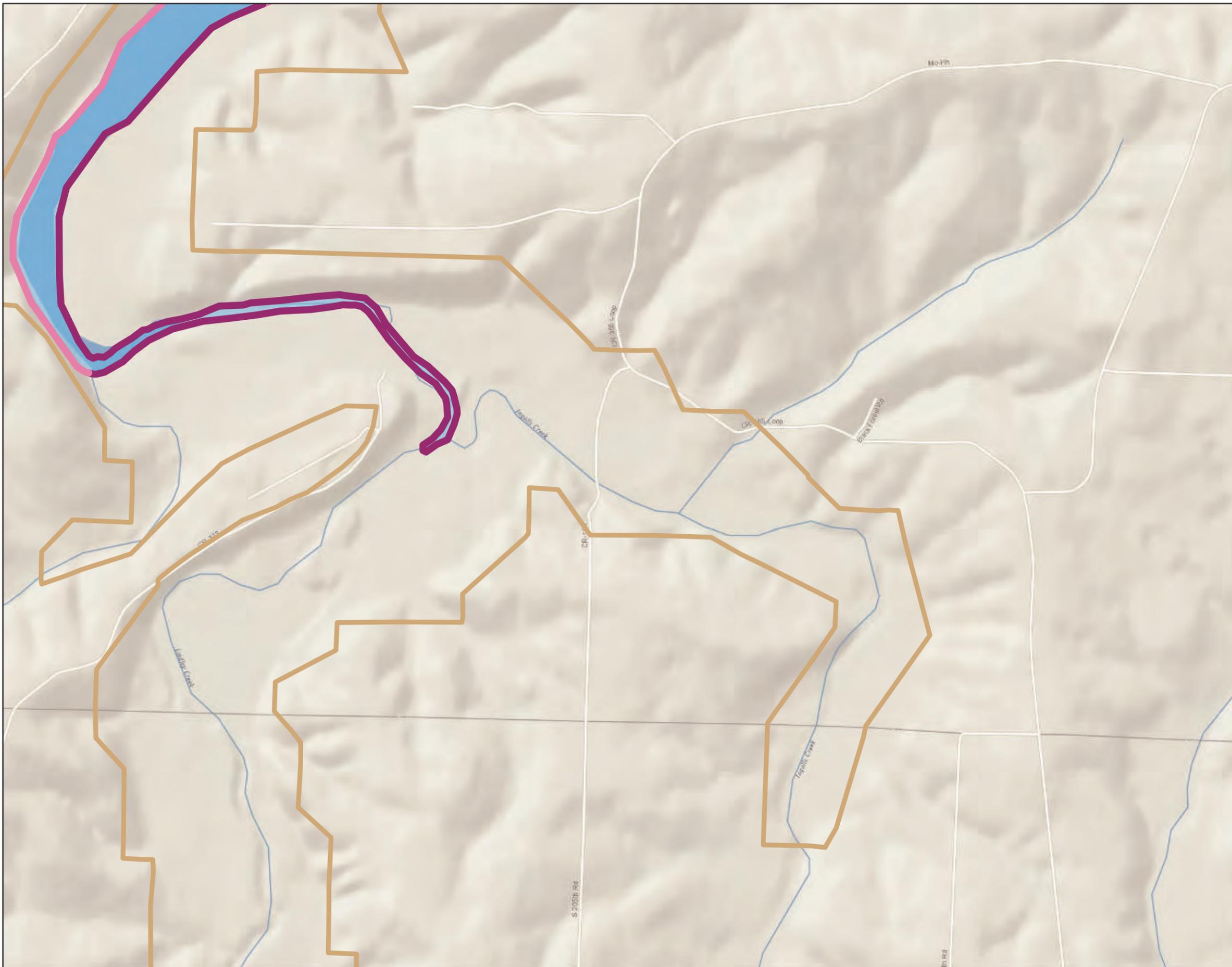
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U.S. Army Corps of Engineers
Kansas City District

**Pomme de Terre Lake
Shoreline Management Plan**

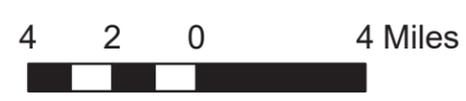
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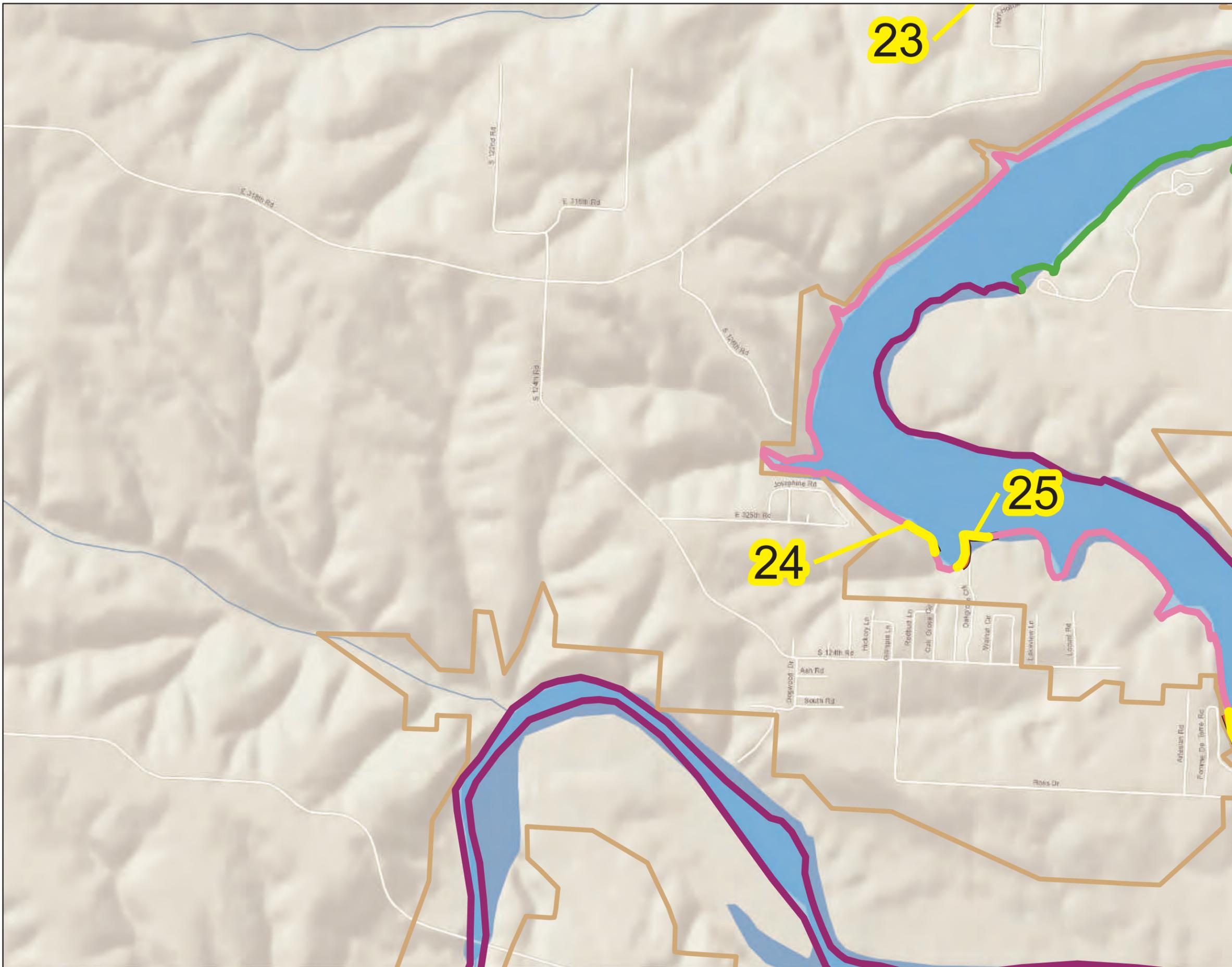
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U.S. Army Corps of Engineers
Kansas City District

**Pomme de Terre Lake
Shoreline Management Plan**

DATE: May 2017	PLATE NO. Page 19 of 23
--------------------------	----------------------------



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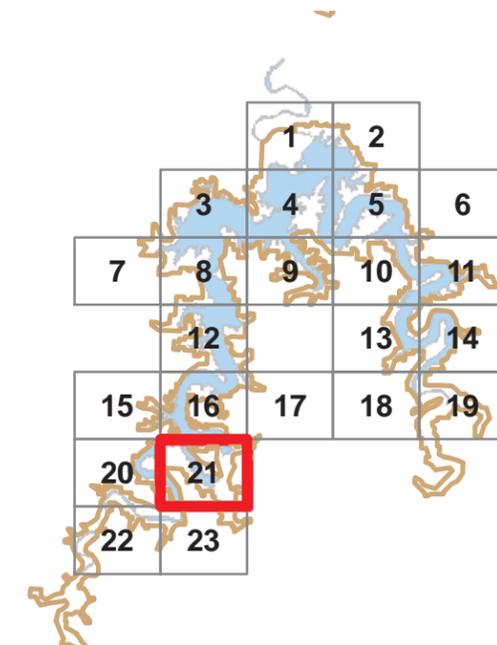
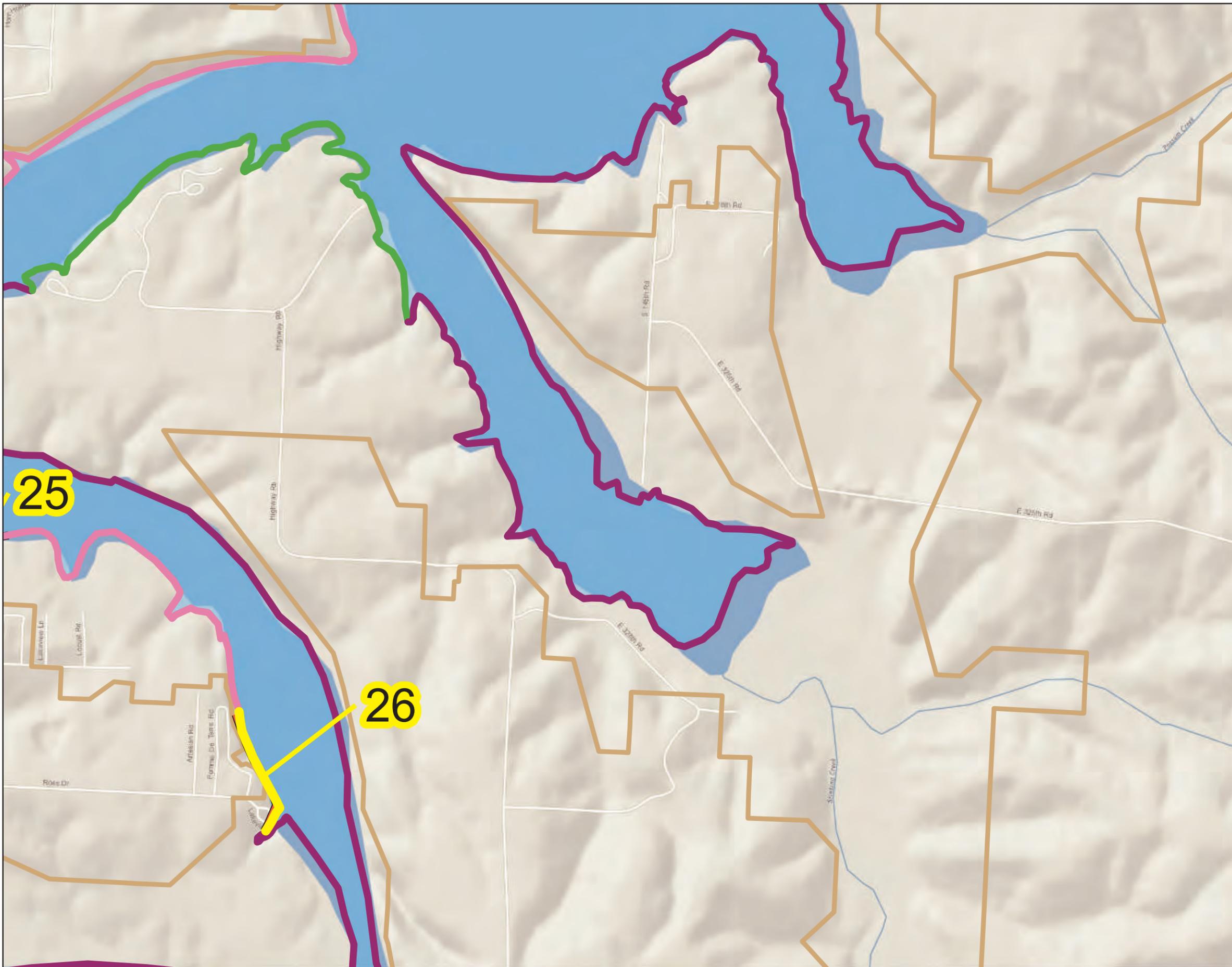
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U.S. Army Corps of Engineers
Kansas City District

**Pomme de Terre Lake
Shoreline Management Plan**

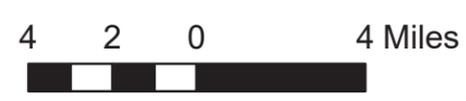
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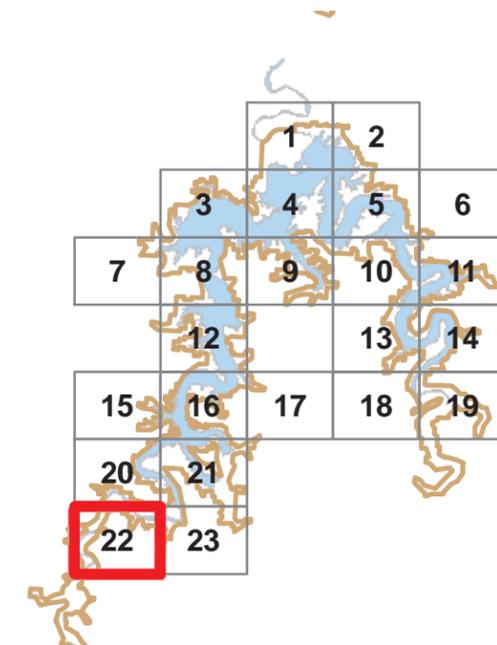
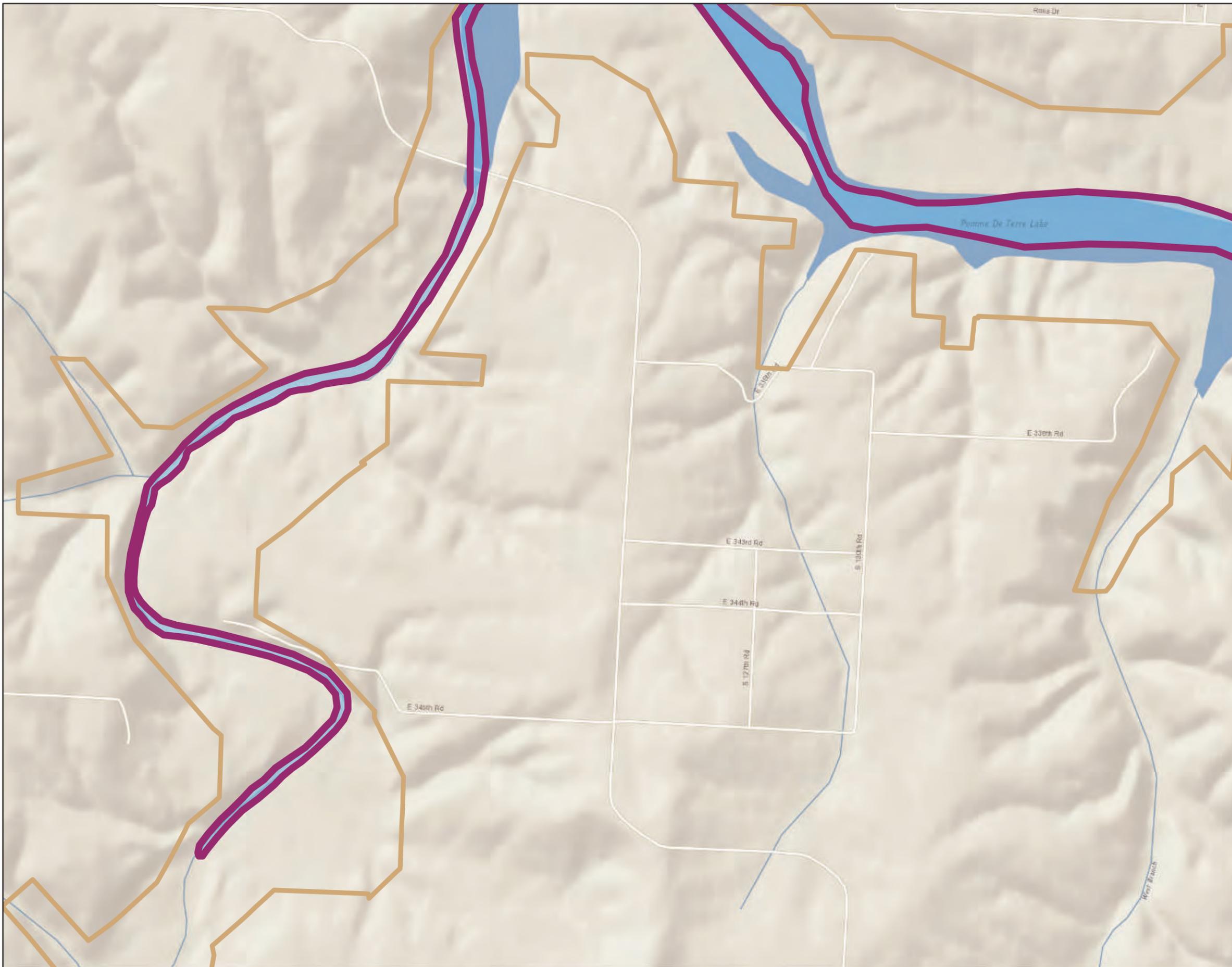
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- Corps Boundary



U.S. Army Corps of Engineers
Kansas City District

**Pomme de Terre Lake
Shoreline Management Plan**

DATE: May 2017	PLATE NO. Page 21 of 23
--------------------------	----------------------------



Legend

Shoreline Allocation

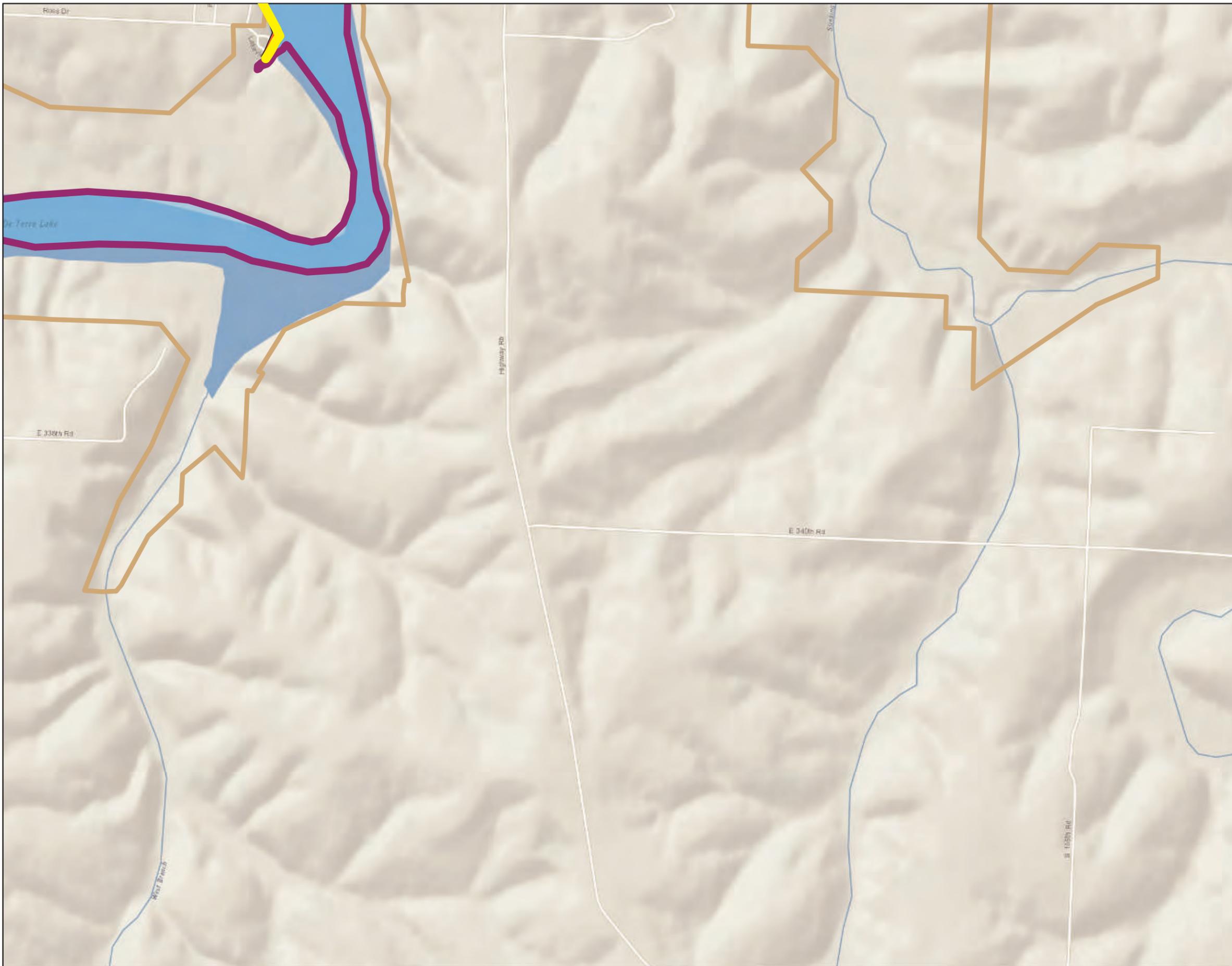
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U.S. Army Corps of Engineers
Kansas City District

**Pomme de Terre Lake
Shoreline Management Plan**

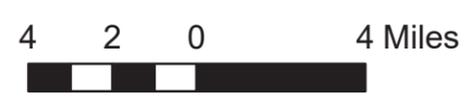
DATE: May 2017	PLATE NO. Page 22 of 23
--------------------------	----------------------------



Legend

Shoreline Allocation

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U.S. Army Corps of Engineers
Kansas City District

**Pomme de Terre Lake
Shoreline Management Plan**

DATE: May 2017	PLATE NO. Page 23 of 23
--------------------------	----------------------------

Appendix C - Major Revisions

Completely re-formatted and duplications removed, language cleared up etc.

Change of the minimum design standards for handrail/guardrail from 22" & 42" to a range of 20"-24" for the guardrails, and 36"- 48" for the handrails. Reason: Allow some variation in heights to best suit user.

Removal of the one time, 20% expansion of grandfathered docks. Reason: ER-1130-2-406 and Title 36 CFR, Section 327.30 do not support the expansion of grandfathered docks.

Removal of the Combined Shoreline Use Permit/License Information. Reason: Licensing authority resides with the Chief of Real Estate and Shoreline Use Permitting resides at the Operation Project level therefore the two items can no longer be processed as one permit.

Removal of the section pertaining to Satellite Concession Docks, as it is a RE function and not a part of the SMP.

Recommend removal/deletion of Dock Zone 27A. Reason: Area was zoned to facilitate the construction & placement of a new limited motel resort (with dock). The area has not been developed in over 10 years and has no road or access therefore it is recommended for removal.

Recommend removal/deletion of Dock Zone 47. Reason: Area was zoned to facilitate the construction & placement of a new limited motel resort (with dock). The area has not been developed in over 10 years therefore it is recommended for removal.

Appendix D – Rezoning Requests

Glen Locke
US Army Corps of Engineers
Pomme De Terre Lake
Rt. 2 Box 2160
Hermitage MO. 65668

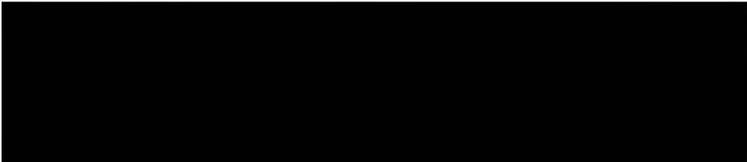
August 23, 2016

Dear Glen,

I am the owner of dock # 014, in dock zone #53.
I would like to request rezoning of dock zone #53, to add an additional slip(approx.
14'x 24'). Addition would be on the south side of existing dock.

Please let me know if you need additional information.
I do appreciate your consideration.

Respectfully,

A solid black rectangular redaction box covering the signature area.A large solid black rectangular redaction box covering the contact information area.

Rezoning Request Site Inspection Pomme de Terre Lake

Date: *23 November 2016*

Name of Requestor *Frank Benanti (Addition to Zone # 53)*

Is location within 3 road miles of a Marina *No, the nearest marina is Nemo Marina which is over 7 miles by road from this location.*

Are there any zones that are not currently full *All dock zones with public access and useable shoreline are at or above 50%.*

Is there an existing public access: *yes, there is public access to the boundary line, however the licensed road was closed at the licensee request several years ago. Apparently they had issues with groups of people accessing the shoreline and littering etc. The area is currently a dock zone (Zone #53) and is at 103% of capacity. Mr. Benanti would like to expand the zone by an amount to accommodate adding an additional stall onto his existing dock. (Permit #014), which is a single stall dock. The amount of shoreline allotted for dock zone #53 is 205 feet, currently utilized is 212 feet. In order to expand his dock by 14 feet (the amount needed to add a stall) the zone would need to be lengthened by 21 feet minimum.*

Shoreline conditions: *The shoreline is gently sloped within a small cove. Currently the zone has 5 permitted docks. The shoreline to the left of dock #014 has sufficient depth with no stumps to impede the expansion of the dock.*

Size of dock that area could support: *The area to the immediate left (south) of the zone has approximately 40 feet of useable space that could be included into the zone. There is not sufficient room to expand the zone enough to add docks however s that would require expanding the zone by approximately 105 feet to bring it below 50%.*

Number of individuals who would benefit from re-zoning: *Rezoning at this location would only benefit one individual.*

Recommendations: *Enlargement of an existing dock zone to benefit a single individual is not consistent with the intent of the regulations. Recommendation for denial of the request.*

Attach aerial photo:



Glen Locke
US Army Corps of Engineers
Pomme De Terre Lake
Rt. 2 Box 2160
Hermitage MO. 65668

August 23, 2016

Dear Glen,

After learning of the Corps interest in furthering economic development around Pomme De Terre lake, it got me thinking.

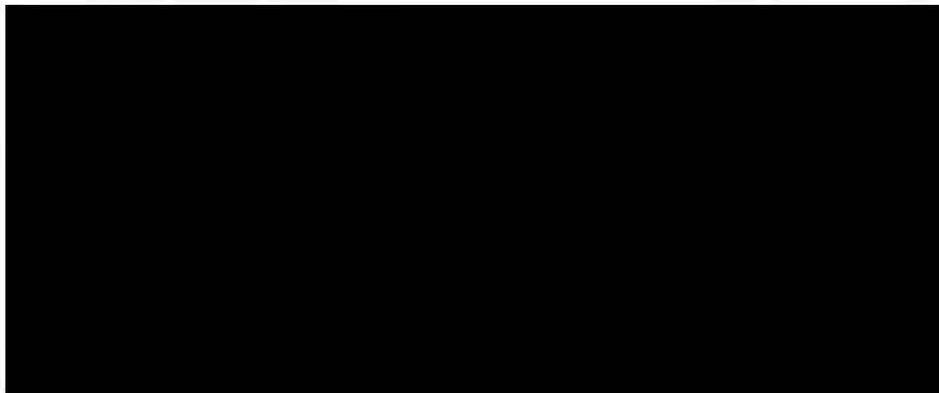
I am owner of 11 undeveloped acres in a private subdivision, named Pomme Point. Pomme Point is a restricted neighborhood comprised of full time and part time residences.

I am in the discovery process of planning to develop multiple, single-family houses. With this in mind, I would like to request for consideration the addition of a private, 4 slip covered boat dock (approx.. 60'x28').

The location I propose would be located just south of the L8 mile marker on the east side of the lake.

I look forward to working with you on this project.

Respectfully,



Rezoning Request Site Inspection Pomme de Terre Lake

Date: *23 November 2016*

Name of Requestor *Frank Benanti (creation of a new zone)*

Is location within 3 road miles of a Marina *No, the nearest marina is Nemo Marina which is over 7 miles by road from this location.*

Are there any zones that are not currently full *All dock zones with public access and useable shoreline are at or above 50%.*

Is there an existing public access *Currently there is a public easement for a roadway across Mr. Benanti's Property to the COE Boundary line. Mr. Benanti indicated that he would like to utilize that easement for access to a pedestrian pathway down to the proposed dock zone. There is no parking area at all.*

Shoreline conditions: *The shoreline is moderately sloped with gravel and rock surface, the area for the docks has some additional rock and less gravel. The area is on the main exposure of the Lindley arm of the Lake, and is subject to wind and wave action.*

Size of dock that area could support: *With the entire width of the Lindley arm of the lake, approximately 1500 feet, there would be no reasonable limitation of the size of a dock placed there.*

Number of individuals who would benefit from re-zoning: *unknown, currently Mr. Benanti owns several acres of property in the area, and would like to develop the property, which is difficult to do without dock space to include. Currently there are no other owners in the area who have expressed interest in a new dock zone, and no property has been developed. In order to accommodate 2 perpendicular style docks (preferred style as they can be "expanded" without taking up additional shoreline space) it would require approximately 250 feet of zoning. In order to accommodate 4 parallel style docks (using a base size of 2 stalls plus an 8' swim deck) would require approximately 320 feet and would not be able to expand number of stalls.*

Recommendations: *Due to the exposure to the main lake, lack of public roadway, and lack other demonstrated public interest in a dock zone, the recommendation is for denial of the rezoning request.*

Attach aerial photo:



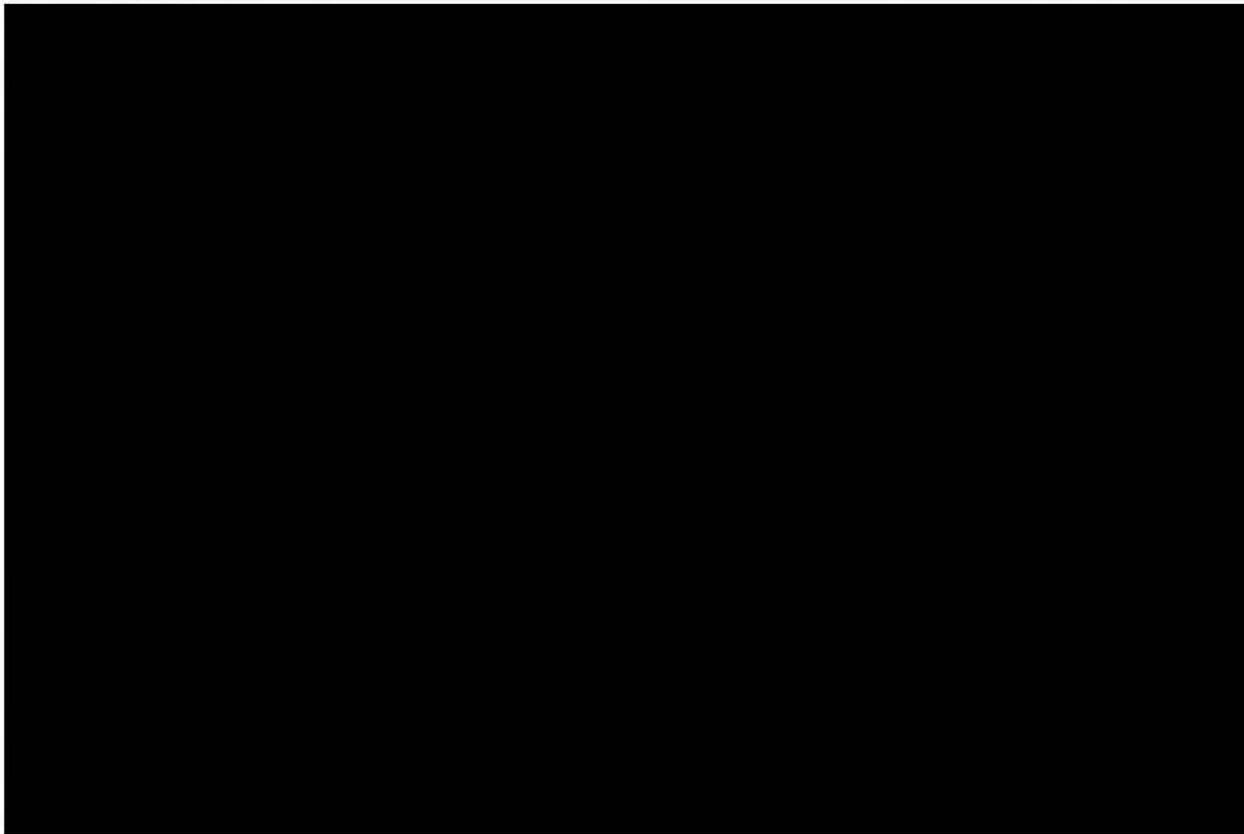
US Army Corps of Engineers
RR 2 Box 2160
Hermitage Mo. 65668



Attn: Glenn Lock

Dear Sirs,

I am requesting a rezoning on behalf of the Windmill Point Community for a slip dock with a courtesy dock attached to replace our small community dock. Please forward information or call with any other details that we need to do to go along with this request.



Rezoning Request Site Inspection Pomme de Terre Lake

Date: *28 November 2016*

Name of Requestor *Windmill Point, Jeff Robertson & Rick Stephens who is the Permittee for dock #190*

Is location within 3 road miles of a Marina. *It is approximately 8.5 Miles to the Nemo Landing Marina and approximately 9.0 miles to the State Park Marina.*

Are there any zones that are not currently full *All dock zones with public access and useable shoreline are at or above 50%.*

Is there an existing public access. *The Windmill Point Homeowners Association currently has a platform dock (20 x12) with more than 40 owners. There is a public road and a small parking area.*

Shoreline conditions: *The shoreline is relatively gently sloped with gravel to rock surface.*

Size of dock that area could support: *If zoning was placed to the left of the existing boat ramp, dock size would be limited to approximately 100 feet from shore (cove approximately 300 feet wide). If zone was placed to the right of the existing dock and ramp, the cove is over 900 feet wide.*

Number of individuals who would benefit from re-zoning: *Unknown based on the current request is from a single individual, the president of the Home Owners Association and an unspecified number of slips.*

Recommendations: *A request to rezone this location was received during the SMP update in 2008/2009. During a public meeting on 23 June 2009 multiple individuals from the Windmill Point area came in to voice their opposition to creating a dock zone in Windmill Point. As a result the request was denied at that time. Due to current accessibility and lack of demonstrated public interest in a dock zone, the recommendation is for denial of the rezoning request.*

Attach aerial photo:



**Rezoning Request Site Inspection
Pomme de Terre Lake**

NOTE: This is NOT a rezoning request, it came as a written comment during the Public Workshop. It is a request to relocate 2 grandfather docks, however for consistency purposes the same inspection for was used.

Date: *15 June 2017*

Name of Requestor *Don James & Kirk Shaddock*

Is location within 3 road miles of a Marina *No, Nemo Marina and State Park Marina are both over 9 miles by road from this location.*

Are there any zones that are not currently full *All dock zones with public access and useable shoreline are at or above 50%.*

Is there an existing public access: *Yes there is a gravel public launch ramp approximately one half mile south of this location.*

Shoreline conditions: *The shoreline is gently sloped close to the normal lake elevation and becomes slightly steeper further up the hill.*

Size of dock that area could support: *Not Applicable to this request*

Number of individuals who would benefit from re-zoning: *Approval of the request to relocate would benefit the two owners of the docks involved.*

Recommendations: *An examination of ER-1130-2-406 and Title 36 Section 327.30 has failed to provide any regulatory authority to relocate a grandfather dock to another location outside of a dock zone. For this reason the recommendation is for denial of this request.*

Attach aerial photo:



Shoreline Management Plan Meeting

July 18, 2017

Optional Information:

Name: Frank Benanti



COMMENTS

In response to Rezoning Request for #53 originally dated 11/23/16. I request expanding the zone by 31 feet to accommodate dock expansion for dock #014 of 14 Feet. The water is of adequate depth as referenced in published report. By approving this expansion will benefit 2 people and add another house to the tax rolls of Hickory County. I intend to sell Half of the dock if approved to

From Frank Benanti: In response to Rezoning request for #53 originally dated 11/23/16. I request expanding the zone by 21 feet to accommodate dock expansion for dock #014 of 14 feet. The water is of adequate depth as referenced in published report. By approving this expansion will benefit 2 people and add another house to the tax roles of hickory County. I intend to sell half of the dock if approved.

Response: See below.

Rezoning Request Site Inspection Pomme de Terre Lake

Date: *2 August 2017*

Name of Requestor: *Frank Benanti (#1 Request)*

Is location within 3 road miles of a Marina? *No the nearest marina is Nemo Marina which is over 7 miles by road from this location.*

Are there any zones that are not currently full. *No. All dock zones with public access and useable shoreline are at or above 50%.*

Is there an existing public access: *Yes. There is a public road access to the boundary line. However at the request of the dock owners the road license was extinguished many years ago. The Project Boundary is approximately 50 feet from the location of the requested expansion, access to the area is either by walking or unauthorized use of a motorized vehicle.*

Shoreline conditions: *The shoreline is gently sloped and located within a small cove off of the Lindly Arm of Pomme de Terre Lake. The water area to the immediate left of dock #014 appears to have sufficient depth and there is no indication of stumps or other underwater hazards there.*

Size of dock that area could support: *There is approximately 35-40 feet of open water space before it becomes shallow and stumps begin to appear. Mr. Benanti has requested rezoning sufficient to add 14 feet to the width of his existing dock. In order to bring the dock percentage below 50% to allow for placement of additional docks would require adding 105 feet to the zone. To bring the zone back below 100% and allow space to expand Mr. Benanti's dock by 14 feet would require an addition of 21 feet to the existing zone. That would provide the 14 foot expansion and leave the zone at 100% utilization.*

Number of individuals who would benefit from re-zoning: *At most 2 individuals would benefit, Mr. Benanti and whomever would own the other half of the expanded dock.*

Attach aerial photo:

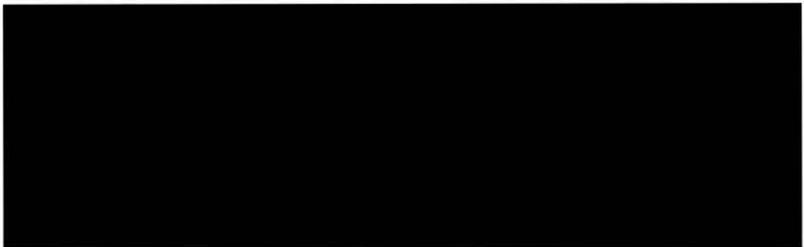
Reccomendations: *Mr. Benanti's request is the exact same except the increased number of individuals benefitting from rezoning is 2 instead of 1. The area still does not have proper public access via a licensed or county road beyond the Corps boundary. The enlargement of an existing dock zone to benefit a small number of individuals (2) is not consistent with the intent of the Corps of Engineers mission or regulations. Due to these several factors the recommendation is for denial of the request.*

Shoreline Management Plan Meeting

July 18, 2017

Optional Information:

Name: ^{Beth} Frank Benanti



COMMENTS

In reference to a request for creation of new dock zone located at end of CR 316 (approx).

I would like to amend size of dock to 46x28 (3 slips).

Parking Available at top of hill CR 316.

The shoreline proposed is changed to be located on south side of proposed Cove facing Northwest encompassing dock # 009.

Allowing this new dock zone would benefit 3-4 new individuals.

From Frank Benanti: In reference to a request for creation of new dock zone located at end of CR 316 (approx.) I would like to amend size of dock to 46X28. (3 slips). Parking available at top of hill CR 316. The shoreline proposed is changed to be located on south size of proposed cove, facing northwest, encompassing dock #009. Allowing this new dock zone would benefit 3-4 individuals.

Rezoning Request Site Inspection Pomme de Terre Lake

Date: **2 August 2017**

Name of Requestor **Frank Benanti (#2 Request)**

Is location within 3 road miles of a Marina? *No the nearest marina is Nemo Marina which is over 7 miles by road from this location.*

Are there any zones that are not currently full . *No. All dock zones with public access and useable shoreline are at or above 50%.*

Is there an existing public access: *Yes. There is a public road access to the boundary line. However the road license was extinguished many years ago. The Project Boundary is approximately 380 feet from the location of the requested expansion, access to the area is either by walking or unauthorized use of a motorized vehicle.*

Shoreline conditions: *The shoreline is gently sloped and located within a small cove off of the Lindly Arm of Pomme de Terre Lake. The water area to the immediate right of dock #009 appears to have sufficient depth and there is no indication of stumps or other underwater hazards there.*

Size of dock that area could support: *The cove that is suggested to be rezoned is approximately 130 feet wide and has open water in front of the cove. The water is approximately 8 feet deep with no known underwater hazards. Therefore the 46x28 dock that is proposed could be supported.*

Number of individuals who would benefit from re-zoning: *Allowing this new dock would benefit 3-4 maximum.*

Attach aerial photo:

Recommendations: *Mr. Benanti's request for creation of a new dock zone located at end of CR 316 that would accommodate a 46X28 dock, does not have proper public access via a licensed or county road beyond the Corps Boundary. The creation of a dock zone to benefit a small number of individuals (3-4) is not consistent with the intent of the Corps of Engineers mission or regulations. Due to these several factors the recommendation is for denial of the request.*

Shoreline Management Plan Meeting

July 18, 2017

Optional Information:

Name:

DAN JAMES

KIRK SHADDUCK

COMMENTS

Previously REQUESTED RELOCATION
DENIED - WITH REFERENCE TO
"FOR PERSONAL CONVENIENCE"

NOT THE CATEGORY.

DUE TO PRIVATE RENTAL PROPERTY
HINDERS/BLOCKS ACCESS TO MY DOCK.
MUST CROSS UNCLEARED/UNMAINTAINED
RENTAL PROPERTY TO MONITOR MY PERSONAL
PROPERTY AND INSURE LIABILITY HAZARDS
ARE AVOIDED.

MOVE SHADDUCK DOCK BEHIND HIS HOME
AND MOVE MY DOCK 313 TO SHADDUCKS
DOCK CURRENT LOCATION.

Received from Don James during the July 18th Public Meeting:

Comments: Previously requested relocation. Denied – with reference to “for personal convenience” Not the Category.

Due to Private Rental Property, Hinders/blocks access to my dock. Must cross uncleared/unmaintained rental property to monitor my personal property and insure liability hazards are avoided.

Move Shadduck dock behind his home and move my dock 313 to shadducks dock current location. Signed D James.

Response:

The dock in reference is a “grandfathered” dock. ER 113-2-406 does not provide for any authorization to relocate a grandfathered dock to a new location except for it to move to an authorized dock zone that has a current utilization of less than 50%. The location request to relocate the dock is not within a designated dock zone and therefore cannot be approved. Recommendation is for denial.

Rezoning Request Site Inspection Pomme de Terre Lake

Date: *7 August 2017*

Name of Requestor *Windmill Point, Jeff Robertson & Rick Stephens who is the Permittee for dock #190*

Is location within 3 road miles of a Marina. *It is approximately 8.5 Miles to the Nemo Landing Marina and approximately 9.0 miles to the State Park Marina.*

Are there any zones that are not currently full? *All dock zones with public access and useable shoreline are at or above 50%.*

Is there an existing public access. *The Windmill Point Homeowners Association currently has a platform dock (20 x12) with more than 40 owners. There is a public road and a small parking area.*

Shoreline conditions: *The shoreline is relatively gently sloped with gravel to rock surface.*

Size of dock that area could support: *If zoning was placed to the left of the existing boat ramp, dock size would be limited to approximately 100 feet from shore (cove approximately 300 feet wide). If zone was placed to the right of the existing dock and ramp, size could easily be large enough for a 12-20 stall perpendicular style dock.*

Number of individuals who would benefit from re-zoning: *Unknown, however with enough space for two 6-12 stall docks 12 to 24 individuals could benefit. The Project Office did receive an additional document from Windmill Point, however the document was submitted past the August 1st 2017 deadline and was not considered.*

Attach aerial photo:

Reccomendations: *Adding a new dock zone would increase the number of privately owned facilities on a public lake. This would “add to the proliferation of individual facilities” (ER-1130-2-406)(4d) and is not consistent with the intent of the Corps of Engineers mission or regulations. Due to these several factors the recommendation for this request is denial.*

Appendix E – Public Comment/Responses

Appendix E - Public Comments/Responses

Emailed Comments:

1. The Master Plan indicated an issue with insufficient number of parking spaces at public ramps due to overuse.

A win/win solution to this is to issue additional dock permits. Then we locals who are using the ramps won't be forced to use public ramps instead we will have boats docked. An example would be that if 50 local people were not using the docks and had docks then additional spaces would be made available. Should a survey be conducted, the results would indicate that lake property owners without docks are the primary users of the public ramps. Not by choice but by necessity.

Response: While additional parking is sometimes needed at the various public ramps, most of the users are non-residents and thus additional dock spaces would not make any measurable difference in usage of those ramps. If a measureable reduction could be made, the number of docks required to be added would unlikely be supported via the Shoreline Management Plan.

2. The shoreline management plan 5 a.(1) indicated "a limited development area will become full when the total space required for all boat docks 50% in the zone exceeds 50% of the total linear footage of the zone, at that point no additional permits will be issued. Additionally, numerous requests have been made to the local Corp office for dock permits. This needs to be addressed.

Response: Reference Section 5a. (1), Density Development in Limited Development Areas is clearly defined by both 36 CFR 327.30 and ER 1130-2-406. The 50% Density of Development permitted in the Pomme de Terre Shoreline Management is the maximum density allowable across the nation therefore no additional docks may be added. The objectives of all management actions will be to achieve a balance between permitted private uses and resource protection for general public use. Dock permit requests will continue to be received and may be accommodate through sale of a dock by current owners to ensure maximum capacity is not exceeded.

A proactive approach by the local and KC District Corp of Engr to change the "regulation" concerning the 50% rule needs action. Since the shoreline management plan already has considered environmental impacts of the TOTAL limited development area then what is the difference between 1 dock and 10 docks, suffice to having the required separation footage.

Response: Reference Section 5a. (1), Density Development in Limited Development Areas is clearly defined by both 36 CFR 327.30 and ER 1130-2-406. The 50% Density of

Development permitted in the Pomme de Terre Shoreline Management is the maximum density allowable across the nation therefore no additional docks may be added. These Regulations were developed “to protect and manage the shorelines of all Civil Works water resource development projects under Corps jurisdiction.....The objectives of all management actions will be to achieve a balance between permitted private usage and resource protection for general public use.”

As a way to maximize boating access group owned mooring facilities may be allowed in Limited Development Areas to limit the proliferation of individual facilities to further promote access without exceeding the 50% rule.

Further, 5 a. (1) ...If a dock becomes unusable due to siltation or other natural occurrence that changes the physical characteristics of the shoreline the permittee may request the dock be allowed to relocation to a zone that has already reached 50% utilization of its authorized space. The Operations Project Manager may authorize or deny the relocation request based upon all factors. Since this is NOT a regulation and a guide written by the local Corp and approved by the KC District is there opportunity to rewrite this guidance to allow the Operations Project manager to authorize docks (new or relocated for any reason) to an area that has already reached 50% utilization.

Response: Upon review of this section of the Pomme de Terre Lake Shoreline Management Plan has revealed that the section is inconsistent with the 36 CFR 327.30 and ER 1130-2-406 and will be removed during this update.

3. A more proactive approach to identify additional limited development area or expand existing zoned areas. Request after request can be submitted only to be turned down because of the 50% rule. Lets develop a system whereby requests can be submitted based upon knowledge and not hope.

Response: During the Public Scoping Meeting on 8 August 2016, 2 areas were identified as meeting the minimum requirements for designation as a Limited Development, we have not received any requests or indication of interest from the public to re-zone either area.

4. Factors for rezoning include..."number of individuals to benefit from rezoning". What makes the difference as to the number? If 1 person wants a dock then so be it.

Response: Per 36 CFR 327.30 the objectives of all management actions will be to achieve a balance between permitted private uses and resource protection for general public use. Permitting private boat docks as part of the Shoreline Management Plan must meet the criteria outlined in both regulation and policy in order minimize private exclusive use on public property.

Respectively submitted
Jim Figg

Emailed Comment:

Boats over 26 ft should be banded as well as wakeboard boats with bladders as they both create huge waves that are destroying docks and shoreline. This is especially true in the narrow areas on the Lindley Arm.

PS: Would be nice to get rids of the floating logs (ha!)

Response: Thank you for the comments. The size of boats that are legally authorized to operate upon waters of the State of Missouri would be the purview of the Missouri State Highway Patrol. Floating logs and or debris are a normal hazard upon the lake, especially after large rains and subsequent heavy inflows. Areas that have developed a new or additional hazard should be reported to the Pomme de Terre Project Office or the Missouri State Highway Patrol.

Written Comment received during the Scoping Meeting: “Move dock 313 to the dock #152 location. Move dock #152 to open shoreline behind Shaddock home”.

Response: The request to relocate grandfather docks is inconsistent with Regulation ER-1130-2-406 which does not provide any authorization to relocate or move grandfather docks to a different location except that they may be relocated to a dock zone that has sufficient space and meet all other requirements for placement of a dock within a zone.