DEXTER LAKE
SHORELINE MANAGEMENT PLAN

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US Army Corps
of Engineers ®
Portland District

Willamette Valley Project

DEXTER LAKE SHORELINE MANAGEMENT PLAN

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1. Purpose

The purpose of this Shoreline Management Plan (SMP) is to provide guidance for managing the Dexter Lake shoreline. This plan addresses rules and regulations, shoreline allocations, and requirements for permitting private facilities on public lands.

The SMP will provide a framework for the implementation of the U.S. Army Corps of Engineers (USACE/CORPS), Portland District policy at Dexter Lake with regard to the Federal Regulation ER 1130-2-406, "Shoreline Management at Civil Works Projects", dated 31 October 1990.

2. Objectives

The primary objective of this plan will be to achieve a balance between public and private use, continued management and conservation of natural resources, and the promotion of a safe and healthful environment. Management of the shoreline will make available opportunities to protect aesthetics, ensure fish and wildlife habitat, safeguard water quality and promote public recreation use, while honoring past private permitted uses on project lands.

3. Authority

This SMP was prepared in accordance with the requirements directed in Engineering Regulation (ER) 1130-2-406, dated October 31, 1990, titled “Project Operation – Shoreline Management at Civil Works Projects,” as per change 1 dated 14 September 1992, and change 2 dated 28 May 1999.

4. Jurisdiction

USACE has proprietary or managerial jurisdiction on Corps managed federal lands. However, federal, state and local laws are applicable to all USACE lands and waters. Under section 234 of the Flood Control Act of 1970, certain project personnel may enforce the Code of Federal Regulations (CFR) Title 36 part 327. While USACE does not have authority to enforce regulations prepared by other federal, state, or local agencies which apply to project lands and waters, USACE will support other agencies with respect to their enforcement responsibilities specific to project lands or waters.

5. References

a. Section 4, 1944 Flood Control Act, as amended (16 USC 460d)

b. Section 501 Independent Offices Appropriation Act of 1951 (31 USC 483a)

c. Section 10, River and Harbor Act of 3 March 1899 (33 USC 403).

d. National Historic Preservation Act of 1966 (P.L. 89-665; 80 Statute 915) as amended (16 USC 470 et seq.)

e. The National Environmental Policy Act of 1969 (42 USC 4321, et seq.)

f. The Federal Water Pollution Control Act of 1972 (FWPCA)

g. Section 404 of the Clean Water Act of 1977 (33 USC 1344, et seq.)

h. 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"

i. Executive Order No. 12088, Federal Compliance with Pollution Control Standards (13 October 1978)

j. 33 CFR 320-330, "Regulatory Programs of the Corps of Engineers"

k. ER 1130-2-400, "Management of Natural Resources and Outdoor Recreation at Civil Works Water Resource Projects." (1 June 1986)

l. ER 1130-2-540, Environment Stewardship Operations and Maintenance Policies, 15 November 1996

m. ER 1130-2-550 Recreation Management at Civil Works Project, 31 October 1991

n. ER 1130-2-406, Shoreline Management at Civil Works Projects, 31 October 1990

o. ER 405-1-12, Chapter 8, Real Estate Handbook

p. AR 405-80, Management of Title and Granting Use of Real Property

q. Lookout Point and Dexter Lakes Master Plan for Resource Use, March 1992.

r. Water Resource Development Act of 1986, P.L. 99-662, section 1134(d)

s. EM 385 -1-1, Safety and Health Requirements Manual (revised 3 November 2003)

t. Meeting notes from the "Dexter Lake - Lakeshore Management Plan, Notes and Correspondence from Public Meeting, 9 April 1975"

u. Archeological Resources Preservation Act of 1979, (16 U.S.C. 470)

v. Archeological and Historic Preservation Act of 1974, (16 U.S.C. 470)

w. Department of Defense American Indian and Alaska Native Policy – 20 October 1998;

x. CECW PGL No. 57, Indian Sovereignty and Government-to-Government Relations with Indian Tribes, 18 February 1998

y. Northwestern Division Native American Policy, NWDR 5-5-1, 15 August 2002 and others

6. Authorized Project Purposes

Lookout Point and Dexter Lakes were authorized by Congress in the Flood Control Act of 1938 (Public Law 75-7610). Located in the upper end of the Willamette Valley, these two reservoirs were constructed in a strategic location to help provide the Willamette Basin with a multi-purpose storage program. Project construction was started in 1947, finished in 1954 and became operational in 1955. These two (2) lakes are operated as part of a system that includes 11 other reservoirs located throughout the Willamette Valley. Authorized congressional purposes are:

1. Flood Control
2. Hydropower
3. Navigation
4. Irrigation
5. Water Quality
6. Recreation
7. Fish & Wildlife

7. Project Description

Lookout Point and Dexter Lake together impound the Middle Fork Willamette River in Lane County, Oregon. Dexter Lake, the smallest of the Willamette Valley Project (WVP) lakes, is located 18 miles above the confluence of the Coast Fork Willamette River and Middle Fork and serves as a re-regulating reservoir for the larger lake, Lookout Point. The purpose of re-regulating the outflow of Lookout Point is to provide a more uniform stream flow into the Middle Fork of the Willamette River. Since re-regulation is one of Dexter Lake's primary purposes, the lakes pool elevation fluctuates between 690 to 695 ft (MSL).

The southern shoreline of Dexter Lake is a rip-rap embankment that supports Highway 58. There are several small bays south of Highway 58 which are connected to Dexter Lake through culverts that run under the highway. Along the north shore are terraces which transition into steep banks at both the east and west end of the lake. Also located on the north shore is the City of Lowell. The connection between Hwy. 58 and the City of Lowell is known as the causeway, and is home to one of Oregon's historical covered bridges. Although boats can travel underneath the causeway, the causeway acts as a partition between the heavily used west end of the lake and the shallower east end.

Shoreline forest types surrounding Dexter Lake include coniferous, deciduous and mixed forest types while the ground cover is classified as upland grassland, shrubland, managed grassland and urban/disturbed. The predominant forest type is deciduous (hardwood) while the dominant ground cover is urban/disturbed.

8. Preliminary Planning

Development and management of recreation facilities at Dexter Lake are authorized under section 4 of the Flood Control Act 22 December 1944, as amended. Existing developed private recreation facilities located on Dexter Lake were permitted through early real estate instruments. Existing developed public recreation areas, Dexter and Lowell Parks, are operated and maintained by Oregon Department of Parks and Recreation (ODPR) under long-term cost-sharing leases. Lands leased for recreation to ODPR are not addressed in the scope of this document.

ER 1130-2-406, "Lakeshore Management at Civil Works Projects" dated 13 December 1974 provided policy and guidance for the shoreline management program initiated in 1975. This policy was developed subsequent to a public meeting held in Lowell, Oregon in April 1975. In August 1981, the Portland District Engineer further clarified the policy at Dexter Lake with a position paper entitled "Lakeshore Management Program - Private Exclusive Use". Public Law 97-140, approved 29 December 1981 established a moratorium against the forced removal of existing facilities until after 31 December 1989, as long as they were maintained in a safe condition and were in compliance with the existing permit. This constraint was continued in 1987 through enactment of section 1134(d), P.L. 99-662.

With new guidance from the 1986 Water Resource Development Act, (Public Law 99-662), and issuance of a revised Engineering Regulation "Shoreline Management at Civil Works Projects", ER 11302-406 dated 31 October 1990, the 1995 shoreline management plan for Dexter Lake was developed and implemented. This document revises the 1995 plan for reasons described in Section 10.2

As public use trends change and necessitate revision of this Shoreline Management Plan, maximum participation will be encouraged to insure that future policy changes are responsive to the public and community interests and consistent with other identified project resource uses. Public input in future planning processes will be solicited during plan formulation and accepted in writing during a scheduled public comment period.

9. Cultural and Historic Resources

The *National Historic Preservation Act of 1966,* the *Archaeological and Historic Preservation Act of 1974* and the *Archaeological Resources Protection Act of 1979* were enacted by Congress mandating that federal agencies protect cultural, historical, and archaeological sites and provide for proper recovery of site data if warranted. If determined that a previously issued permit infringes upon or impacts one of these sites, the permit may be rescinded. Permits will not be issued in areas determined to have cultural, historical or archaeological significance.

Policies, principles and regulations set forth the legal obligations of the United States with respect to Indian tribes, i.e., Department of Defense American Indian and Alaska Native Policy – 20 October 1998; CECW PGL No. 57, Indian Sovereignty and Government-to-Government Relations with Indian Tribes, 18 February 1998; Northwestern Division Native American Policy Regulation, NWDR 5-5-1, 15 August 2001 and others. Tribal consultation will be conducted on

a pre-decisional basis with all federally recognized tribes having an interest in the proposed project.

Formal consultation was conducted with the Confederated Tribes of the Grand Ronde Community of Oregon, the Confederated Tribes of the Warm Springs Reservation and the Confederated Tribes of Siletz in the Spring of 2006. No comments were received from the letters requesting input from these Tribal governments.

10. Public Involvement

During July 1989, an open house was held to solicit public comment on the Lookout Point/Dexter Lakes Master Plan for Resource Use. Regulations require USACE to encourage public participation in the formulation and preparation of a shoreline management plan. Hence, an additional public forum was needed to collect updated information for the SMP developed in 1995.

10.1 1995 Dexter Lake SMP formulation

On 2 November 1994, a public meeting was held in Lowell Oregon at the Lowell Grange. Letters were sent to all previous boat dock owners and all adjacent landowners, inviting them to the meeting. Other public agencies and interested groups were also invited. Notices announcing the meeting were posted around town and a news release was sent to all local media. Approximately 25 people attended the meeting. In addition to the public meeting, an open public comment period was established from 2 November 1994 through 5 December 1994. During this public comment period and at the public meeting, details of the proposed Dexter Shoreline Management Plan including plans, zoning/land use allocations, permit guidelines; fee structure and private exclusive use regulations were available for viewing. Several inquiries were made during the public comment period after the public meeting, but no new issues were elevated.

10.2 2006 Update

As directed by ER 1130-2-406 (31 Oct. 1990), Shoreline Management at Civil Works Projects, Section 5, Para. (g.), “If sufficient controversy or demand exists, consideration should be given, consistent with other factors, to a process of re-evaluation 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.” After dealing with a variety of controversial shoreline issues during 2005, the WVP natural resource staff recognized that the 1995 Dexter Lake Shoreline Management Plan (DLSMP) did not provide sufficient detail and guidance to resolve many of the issues. For this reason and others, the Corps decided a revision to the current plan was necessary.

The Corps initiated the revision process by issuing a suspension on all applications for modifications or new docks, vegetation modifications or any other permitted activities authorized by the DLSMP. All activities that had already been authorized before the suspension were permitted to proceed. In January 2006, all Dexter Lake permit holders and other interested stakeholders were notified of this suspension by mail.

On 31 March 2006, the Corps hosted an open house to give stakeholders an opportunity to meet WVP employees who oversee the DLSMP and provide feedback and comments related to the 1995 DLSMP, the current state of the Dexter Lake shoreline and related issues. Invitation letters were mailed to all permit holders, interested stakeholders, local officials and local state and federal government agencies. As they entered the open house, participants were provided comment cards and handouts with general information about the revision process. Included in the handouts were instructions on how to view the current 1995 DLSMP online and submit comments by e-mail. 24 people attended the open house.

Comments that were received during the public involvement process were considered in the development of this plan revision. Oregon Parks and Recreation Department was contacted and asked to comment on the draft plan; no comments were received.

11. General Shoreline Allocations

To meet the objectives of ER 1130-2-406, Section 5, Para. e, all shorelines of Dexter Lake have been classified into four allocation categories. These allocation categories are described below and are in agreement with Dexter Lake's Master Plan and Operational Management Plan. Shoreline allocation (zoning) identifies specific activities or uses that are permitted for each classification. The allocations have been made to provide for management and protection of project resources for the benefit of the general public, while allowing a level of development to adjacent property owners in some areas. There are 8.62 miles (45,519 feet) of shoreline at Dexter Lake allocated into the following four categories:

- Limited Development Area - 4,170 feet
- Public Recreation Area - 5,107 feet
- Protected Shoreline Area - 25,594 feet
- Limited Access Area - 10,648 feet

A detailed aerial photo showing the shoreline allocation for Dexter Lake is included in **Exhibit I** and is available for public dissemination.

11.1 Limited Development Areas (LDA)

Limited development areas are designated where private shoreline use facilities and/or activities may be allowed consistent with other provisions of the Shoreline Management Plan. Vegetation modification of Corps lands by private individuals may be allowed only following the issuance of a permit. The issuance of a shoreline use permit does not preclude use of the shoreline by the general public. In no way shall the shoreline permit restrict or deny public use of the LDA. Permit holders who attempt to prevent such uses are in violation of permit conditions and are subject to enforcement action. Shoreline and water access conditions and underwater topography as well as other pertinent factors will be carefully evaluated before floating facilities are permitted. Only shoreline areas within the "Recreation" land use

classification under the Master Plan may be considered for this allocation. Approximately 4,170 feet of shoreline is allocated under this category and is identified in green on **Exhibit I**.

11.2 Public Recreation Areas (PRA)

Public recreation areas are set aside to be managed by federal, county or state governments for public use. Such areas at Dexter Lake are operated and maintained either by Oregon Department of Parks and Recreation or the Corps. No private floating facilities will be permitted within or near designated or developed PRA. No modification of landforms or vegetative characteristics is permitted by private individuals or groups in PRA. Public recreation areas do not constitute legal access when applying for shoreline use permits. There is approximately 5,107 feet of shoreline allocated under this category as identified in red on **Exhibit I**.

11.3 Protected Shoreline Areas (PSA)

Protected shoreline areas are those set aside to maintain or restore aesthetics, fish and wildlife, cultural, or other environmental values. Shorelines may also be so designated to prevent development in areas that are subject to heavy erosion, excessive siltation or exposure to high wind, wave or current action and/or in areas in which development would interfere with navigation. No private floating recreation facilities will be allowed in PSA. However, existing floating and land-based facilities that are grandfathered (see section 12.4) can remain and be reassigned to new owners provided all permit conditions are met. Some modification of vegetative communities by private individuals may be permitted if it is determined that the activity will not adversely impact the environment or physical characteristics of the area designated as protected. Protected shoreline areas do not constitute legal access when applying for shoreline use permits. There is approximately 25,594 feet of shoreline allocated under this category as identified in yellow on **Exhibit I**.

11.4 Limited Access Areas (LAA)

Limited access areas are those in which public access is not allowed (the northern shoreline near the dam) or may be limited to pedestrian access for safety reasons or for the protection of unique resources (Dexter Dam and the southern shoreline near the dam). Limited access areas typically include hazardous areas near dams or spillways, critical wildlife habitat or historic properties. Mooring of private floating facilities or modification of landforms and vegetative communities are not allowed in such areas. Limited access areas do not constitute legal access when applying for shoreline use permits. There are approximately 10,648 feet of shoreline allocated under this category as identified in brown on **Exhibit I**.

12. Shoreline Use Permits

Shoreline use permits are required for the installation of private floating facilities of any kind. It is recommended that the applicant become familiar with all permit conditions and review the application procedures prior to completing the application **(Exhibit II and III).** The next step is for the applicant to schedule an appointment with a Corps representative who will help explain the Dexter SMP and resolve any questions the applicant may have **(Exhibit IV)**.

Boats do not require a shoreline use permit but they may not be abandoned, stored or left unattended upon project land or waters. Private floating facilities include individual boat docks, community docks, courtesy docks and mooring buoys. Permits may also be required for vegetation modifications, erosion control measures, utility rights of way, and other specified land based activities. A shoreline use permit will normally be issued for a term of five years. These documents will contain general terms and conditions that are informally applicable to all permits issued. However, unique circumstances and problems may require additional terms and/or special conditions. Issuance of a shoreline use permit does not convey any property rights or exclusive use rights of public property to the permit holder.

All applications for shoreline use permits on the Dexter Project must be accepted by the Natural Resource Manager or a designated representative prior to the beginning of any work on project land/waters. Should the applicant desire to appeal a decision, the individual should do so in writing through the Natural Resource Manager to the District Engineer.

Applicants must be at least 18 years of age. Only one permit may be issued per adjacent landowner for a private floating facility or vegetation modification. Multiple persons listed on a deed or lease agreement will be considered as one adjacent landowner, and the permit will be granted to a single individual or married couple. This person or these persons will be entirely responsible for adherence to the terms of the permit. Wherever practical, moorage, vegetation modification and other activities will be consolidated in one permit for each applicant. Shoreline use permits are non-transferable and become null and void upon the sale or transfer of the adjacent property, loss of legal access, or the death of the permittee and his/her legal spouse. If ownership of adjacent private property or permitted facilities is sold or transferred, the permittee or prospective new owner must notify the Corps prior to finalization. The new owner will then have 30 days to apply for a new permit/license from the date of the ownership transfer. If no permit is obtained, all previously authorized facilities must be removed and the use area restored to its natural conditions within 60 days from the date of the ownership transfer.

In order to maintain the permit, the permittee must adhere to the condition of the permit. These conditions prescribe appropriate activities and uses, maintenance, construction time frames, removal requirements and responsibilities in the event of permit revocation or expiration. A permittee must be thoroughly familiar with these and other terms and conditions prescribed by the District Engineer and acknowledge their willingness to abide by these guidelines at the time a permit is issued.

All shoreline use permits are issued on a first come basis in accordance with Title 36, Code of Federal Regulations, Chapter III, Part 327 and ER 405-1-12, Chapter 8.

12.1 Eligibility Requirements

Applicants for a shoreline use permit/license will provide legal proof of ownership indicating a shared boundary with public lands within the Limited Development Area, by providing applicable copies of recorded deeds, lease or easement agreements. In situations where only a public road is between adjacent private property and public land, the owner is

considered an adjacent landowner to public land. The area of entry must be an area where the private property and public property share a common boundary.

The plat, including the dimensions of ownership, lease, or easements clearly delineated, must be furnished with the shoreline use permit application. Failure to provide proof of a shared boundary, either by plat or by easement, will result in denial of a request.

12.2 Facilities for People with Disabilities

Special deviations from the design requirements for dock structures, walkways, and steps may be permitted to accommodate people with disabilities. The Corps will only consider the minimum improvements necessary to provide safe access for people with disabilities. Every effort will be made to allow requested modifications, but the Corps may not authorize some actions due to particular site conditions. For example, a design modification may be denied if it would cause negative environmental impacts or restrict public access.

12.3 Grandfathered Facilities

A "grandfathered facility" is one that no longer meets the criteria in a project's SMP; for example, a dock that is outside of a designated Limited Development Area. It is allowed to remain on public land for varying periods of time in accordance with specified conditions. (*Note*: *This applies only to facilities outside of established LDA's, and does not apply to the majority of docks at Dexter Lake.)*

Public Law 99-662 protected facilities that were authorized under a valid shoreline use permit as of November 1986, but exist in an area where the current project SMP prohibits new facilities of this type. In general, the Corps cannot require the removal of any authorized facilities that existed as of 17 November 1986 if:

a. Such property is maintained in a usable and safe condition.
b. Such property does not occasion a threat to life or property.
c. The permit holder is in substantial compliance with the terms and conditions of the shoreline use permit.
d. The above law applies except where deemed necessary for public purposes, higher public use, or for navigation or flood control purposes.

There is currently one private dock permitted outside Dexter Lake's LDA. The facility is located on private property which was never purchased by the Corps.

12.4 Site Requirements

Newly permitted activities must conform with the shoreline management allocation map and be located on project lands/waters which are allocated as "Limited Development Areas." Permits will not be issued in areas determined to be wetlands, environmentally sensitive, or to have cultural, historical, or archaeological significance, as determined by the Natural Resource

Manager. The location of activities must not cause a safety hazard to the applicant/user or the general public. Specific site requirements for permitted activities and structures are defined under their respective sections.

There will be no permitted floating facilities located directly in front of the Lowell sewage treatment plant. Vegetation modification permits may be allowed in this area.

12.5 Permit Fees

Fees are established by individual districts and are subject to change to recover costs to the government for administering the program. Administrative fees cover labor, equipment, material and supply costs associated with the issuance, re-issuance or modification of a shoreline use permit. The current fee schedule will be revised and published separately from this document in approximately March 2008.

Fees may be waived for vegetation modification activities that benefit the project and the public. An example would be the removal of invasive species or the planting or maintenance of native species.

13. Dock Facility Definitions & Requirements

Permits may be approved for boat dock facilities to be used for mooring vessels and storing gear essential to the use of those vessels in accordance with ER 1130-2-406. For the purposes of consistent measurements, "width" is the portion of the dock parallel to the shoreline, and "length" is the portion of the dock perpendicular to the shoreline. All docking facilities must be walkway accessible from the shoreline. Limitations on spacing of docks, as described in Section 13.4, may dictate the type of dock an applicant will be allowed to install. Standard dock drawings/site plans are illustrated in **Exhibit V**.

Applicants must submit detailed plans with written certification by a licensed professional engineer (PE) for any new facility construction or major modification to an existing facility that may be authorized by the Corps. If engineered drawings, certified by a licensed PE, have not been submitted for an existing facility, certified plans must be submitted prior to issuance of a new permit (i.e. change of ownership.) If the drawings contained in the permit file do not adequately represent the current configuration and measurements of the facility, the permittee must submit engineered drawings at the time of permit renewal.

All new docks and renewals are required to have four (4) orange or amber reflectors at least three (3) inches in size attached to the dock. The reflectors should be visible and face towards the boat traffic.

There are many permitted facilities at Dexter Lake which do not meet all the criteria outlined in this section. It is the Corps' intent to honor past commitments with respect to docks, if supported by written documentation from the Corps and signed by an authorized Corps' representative. Prior to 2006, this written documentation must include a signature of an authorized Corps employee. 2006 or later, this documentation must include a signature of the

Natural Resource Manager or Operations Manager. Facilities not supported by adequate written documentation must conform to the requirements in the current SMP.

13.1 Floating & Land Based Facilities

Shoreline Use Permits are required for all private floating facilities, excluding registered vessels. As addressed in this plan, private floating facilities include individual boat docks, community docks, and mooring buoys. Floating facilities are considered private structures, and thus permittees may restrict use of their private facilities.

All alterations or modifications of public lands surrounding Dexter Lake are prohibited without the express written approval of the Corps, except for the removal of drift, debris, and any form of garbage. All applications for land-based privileges will be made through the Natural Resource Manager. However, some activities require ultimate approval from the Real Estate Division or the Regulatory Branch, and applications for these activities will be forwarded to the District Office in Portland, Oregon with the Natural Resource Manager's recommendation, for appropriate action.

13.2 Courtesy/Community Docks

a. The use of community docks is a preferred option to private exclusive use facilities. Community docks will be subject to the same shoreline allocation requirements and fees as stipulated from individual facilities. In order to provide the maximum amount of moorage in the smallest number and size of facilities, the Corps promotes consolidation of existing and proposed structures. Community docks will be considered when there is a need for moorage in a particular area, access to the area is available, and an appropriate site location exists for community mooring. Community docks will be considered in areas that do not conflict with commercial marina services, public launching facilities, or other access points. Group docks must be maintained in a usable and safe condition, create no threat to life or property, and be in substantial compliance with the existing permit. The Natural Resource Manager has the authority to request a community dock association to complete a set of by-laws to help operate a community dock.

b. In order to qualify for a permit under the community moorage concept, a minimum of two (2) participants/members are necessary to support and use the facility. The applicants must provide a written document that includes the names, addresses, and signatures of all participants.

The document must designate an association member to act as a Point of Contact (POC) and, sign the permit. The POC will serve as the primary point of contact to receive and distribute information to all dock members related to such matters as permit renewal documents and safety and structural inspection reports requiring corrective action. The POC will keep the local Corps project office updated on changes in ownership of property associated with boat docks, unsafe conditions, and other related matters. The Corps will attempt to keep the POC informed of dock actions either by the Corps or dock owners such as requests to add on to the dock. Whenever there is a change in the POC, a representative of the members on the affected group dock must

inform the local Corps project office in writing. Only members of the group boat dock may serve as a POC.

c. Applicants for a community dock must own property which is adjacent to government property that is zoned limited development. Applicants must prove eligibility by providing a recorded deed and plat.

d. The location of group docks are only permitted in Limited Development Areas at approved locations. The minimum distance between community docks and all other private docks will be 100 feet.

e. The size of a community dock will not be larger than 2600 square feet. This size requirement takes into consideration all parts of the dock, walkway, gangway, main dock fingers and slip area. Only the Natural Resource Manager has authority to increase the size limit of a community dock.

f. All community dock applications must meet all standards set in this shoreline management plan including topography, access, water depth, etc. If the project features make access to a dock unusually difficult or the location interferes with safe navigability or maneuvering of vessels, only the Natural Resource Manager may waive standard requirements. Failure of the permittee to operate the facility under the community moorage concept within the constraints established will render the permit null and void. In such an event the structure must be removed from project lands or undergo appropriate structural modifications and be re-permitted via the application evaluation process as a private moorage facility.

g. Courtesy Docks are different from community docks in that they are only day-use facilities. Courtesy docks provide for ingress and egress of vessels and may be utilized for temporary tie-up only. Courtesy docks may be suitable for large developments/subdivisions; or in this case, the City of Lowell.

13.3 Location

The Corps' goal is to locate facilities in close proximity to adjacent private property ownership. The preferred location for any proposed dock structure is at the point of the shoreline nearest the center of the contiguous portion of the adjacent landowner's property. Each application will be considered based on site specific conditions, and the Corps reserves the right to determine the final location of a facility.

The proposed site must be within a Limited Development Area designated by the shoreline allocation. A structure will not be permitted at the proposed site if the Natural Resource Manager determines that the structure would:

- interfere with navigation, existing moorage facilities, or special activity areas;
- create a safety or health hazard; or
- be harmful to the environment.

13.4 Spacing

New docks will be located a minimum of 50 feet from all existing docks. This buffer will provide for boat maneuverability, ingress and egress, water lever fluctuations and public safety.

Existing docks that currently do not meet this requirement will be allowed to remain in their current location until these facilities fall out of compliance with other requirements listed in this plan as described in section 12.3 or until a change in ownership occurs.

13.5 Size

All private individual floating facilities shall be limited to a maximum size of 900 sq. ft. A dock without any fingers shall be limited to a maximum size of 700 sq. ft. Total square footage is calculated by adding the square footage of the ramp, walkway, main dock, fingers, boat hoists and slips (excluding the bulkhead). The length for an individual private dock shall be limited to a maximum of 75 feet perpendicular to the shoreline. The length will be calculated starting from the connection of the ramp or walkway to the shoreline to the edge of the main dock in a perpendicular line from the shoreline.

When a permittee requests a dock modification, the permittee may be required to meet any requirement outlined in section 13. All dock configurations are subject to approval by the Corps.

13.6 Water Depth

Private dock structures will be allowed in less than six (6) feet of water provided that the permittee understands that the dock may be on or over dry land during low water periods. Site evaluations will be based on the pool elevation of 695 MSL. Dock design modifications that exceed any of the size limitations outlined in section 13.5 will not be permitted for the sole purpose of gaining better water depth for moorage.

13.7 Dock Structural-Support Systems

The permittee is responsible for assuring that the dock is designed, constructed, and maintained with safety and structural integrity. When applying for a new permit or making a major modification to an existing facility, applicants must submit a detailed plan, certified by a Professional Engineer, that includes construction specifications for the proposed dock and the proposed location of the facility within the permit area. The facility must comply with all state, county and city building codes. These plans must include drawings that indicate the proposed dock configuration and slips with exact measurements. Applicants must submit a plan with written certification by a licensed PE. The dock plan must then be accepted by the Natural Resource Manager. Alterations to the original accepted plan may not be made without prior approval by the Natural Resource Manager. If a current permittee plans to replace or make significant modifications to an existing dock, the new plans must be submitted for acceptance by the Natural Resource Manager prior to construction or installation.

Installation of the facility may be accomplished in phases. All wood construction shall be either pressure treated or decay resistant. Marine plywood will be an acceptable option for decking. Creosote, arsenic, or penta treated wood is not acceptable. All hardware must be galvanized or steel.

Unsafe dock conditions include, but are not limited to, protruding nails, bolts or screws; decayed or slick materials; ripped, jagged, sharp, pointed and splintered materials; loose or missing supports and decking; and loss of structural strength due to rust or broken pieces. See section 17 for more information concerning shoreline use permit violations and conditions.

13.8 Dock Anchoring

Floating facilities shall be attached to the shore by mooring which does not obstruct general public use of the shoreline or adversely affect the natural terrain or vegetation. A bulkhead is the most commonly used mooring apparatus, although other types of shoreline anchoring may be approved.

Floating facilities generally use guide pilings which allow the floating facility to rise or fall with the lake level. The permittee will provide an anchoring system that ensures that the structure is securely moored. The permittee will remove any anchoring devices placed in the lake when no longer in use.

Cables may be used for extra durability, with the following specifications:

- must be 5/16-inch galvanized or 1/4-inch stainless steel;
- must be placed at a 45-degree angle to the shoreline;
- must remain in a rigid position at all times;
- shall not obstruct the use of the shoreline or otherwise create a safety hazard;
- shall not cross the cables of an adjacent facility; and
- must not be attached from one dock to any component of another dock.

Anchors for these cables may be metal anchor posts, eyebolts grouted and set in concrete or some other anchoring device that is approved by the Corps. Trees or other natural features shall not be used as anchors. No two (2) facilities may use the same anchor.

13.9 Dock Flotation

An encapsulation certification form must be submitted by the applicant or permittee before any floating facilities are constructed, installed, or expanded. As of January 1, 1992, no person shall install a submersible polystyrene device unless it is encapsulated as defined by OAR 250-014-0010 thru 250-014-0090. The encapsulation forms can be found on the Oregon State Marine Board (OSMB) website. An approved encapsulation form does not relieve the applicant from obtaining any federal, state or local permits or approval. The encapsulation serves to protect waterways, fish and wildlife from being harmed by floating polystyrene foam beads.

All new or replacement 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. The use

of polystyrene foam is the recommended flotation. The polystyrene foam should be encapsulated so as to prevent contact between the foam and the water. All materials should meet EPA requirements and should be effective for a period no less than ten (10) years. Oregon Administrative Rules (OAR's) 250-014-0030, "Materials and Methods of Encapsulation – New Construction", outlines what materials are suitable to meet the OSMB requirements.

Maintenance or repair of any existing structures placed on Corps projects prior to January 1, 1992 may use the same type of floatation materials as the original design. However, if the flotation requires more than 10% (in sq. ft.) replacement then the structure will fall into the category of a new addition and must follow the provisions prescribed in the New Construction Section 250-014-0030 as described by the OSMB. Any alteration or addition which leads to an increase in square feet of flotation must also follow the New Construction guidelines.

An applicant must submit all supporting materials regarding the proposed flotation to the OSMB and to the Corps.

13.10 Dock Ramps and Walkways

For the purpose of this plan, a walkway will be defined as "the connection from the shoreline or bulkhead to the ramp or to the main dock". A ramp will be defined as "the connection from the walkway that will use a gradient to reach the main dock".

All dock ramps and walkways must be constructed of:

- treaded metal;
- lumber treated with environmentally suitable chemicals; or
- marine products with skid resistant surfaces.

No carpet covering will be permitted. All walking surfaces must be kept free of obstructions that could create tripping or slipping hazards. All ramps and walkways must be between three (3) to six (6) feet in width and at least six (6) feet in length. The lengths of ramps and walkways will be included in the total length of the dock which may not exceed 75ft. perpendicular to the shoreline.

Handrails must be placed on all gangways and walkways that are more than four (4) feet above ground at full pool 695 MSL. Handrails must be 36-48 inches high with an intermediate guardrail approximately one-half the distance below the top rail. All handrails must be made of continuous rigid material and installation must comply with local code and ordinances.

13.11 Dock Roofs and Sundecks

Roofs or sundecks will not be permitted on the private dock structures located on Dexter Lake.

13.12 Dock Storage Boxes

Permanently affixed storage boxes will be permitted for recreational equipment. Storage of chemical, petroleum products and fuel will not be permitted. Boxes will be subject to inspection by a Corps representative.

13.13 Boat Lifts

Boat lifts and/or Personal Watercraft (PWC) lifts may be installed in boat slips or alongside a main dock or finger walkway. Lifts cannot cause the dock size to exceed the maximum dimensions as described in Section 13.5.

Suspended boat lifts are only permitted when the applicant submits written certification from a licensed PE as indicated in **Exhibit VI** boat/PWC hoist certification, that guarantees the dock and lift capacity for the vessel being stored. An independent boat lift must be securely fastened to the floating facility's main dock or finger. Commercial covers (designed and manufactured for the boat lift) may be permitted, as long as they are maintained in good condition.

Boat or PWC lifts may not extend more than one (1) foot from the end of the slip or the end of the main dock.

13.14 PWC Lifts

Personal Watercraft lifts may be installed on the end of the finger or in the slip (on the water). If a PWC lift is installed on the end of the finger section, it must not be any longer than the width of the finger. If an applicant wishes to use a facility-dependant lift, meaning the lift is attached to the dock structure allowing for the PWC to be lifted and set onto the dock itself, then the applicant must provide written certification by a licensed PE **(Exhibit VI) s**tating that the structure can support the weight of the vessels. This certification must be submitted and accepted by the Natural Resource Manager before construction on such a lift is authorized.

13.15 Mooring Buoys

Placement of mooring buoys is subject to the same shoreline allocations and criteria as other private floating facilities. Applicants for a mooring buoy must meet all the requirements for a shoreline use permit. Only one (1) buoy will be allowed per qualified applicant. Mooring buoys must meet the U.S. Coast Guard requirements regarding size and markings. The applicant will be responsible for the proper maintenance of the mooring buoy. Mooring buoys must be spaced at least 50 feet from all other private structures, including other mooring buoys.

13.16 Furniture, Decorative Items, etc.

Rules and regulations governing the public use of Corps water resources development projects are enforced through Title 36, part 327, Code of Federal Regulations. This regulation indicates that furniture, decorative items, or personal property of any kind cannot remain on

Corps land or docks for more than 24 hours without permission or they will be considered abandoned and are subject to impoundment.

14. Permits for Other Shoreline Uses

It is the intent of this section to describe activities permitted through the consolidated permit, which may include dock facilities, vegetation modification, and the facilities listed below. All permit requests are subject to review by the Corps and may be granted only if public law, required certifications and regulatory guidance requirements are met. All permitted actions must be consistent with the Corps' environmental stewardship and sustainable management policies. Fees may be assessed accordingly by the Portland District.

Proposed land-based activities will be considered on public property from the common boundary shared by the project and the adjacent landowner to the shoreline.

14.1 Electrical Service

Electrical equipment, including service for a private dock or shoreline lights, may be permitted upon approval of the Natural Resource Manager, provided that the installation of this equipment does not pose a safety hazard or conflict with other project purposes. Applicants must be adjacent property owners who hold a valid permit for a private moorage facility. The location of all lights on Corps land must be accepted by the Natural Resource Manager. Existing light poles that are permitted by an easement will not be required to relocate. Upon expiration of the easement, relocation may be required. See **Exhibit VII** for more information on electrical service.

All electrical equipment and wiring must meet the following requirements:

a. Wiring must meet current National Electrical Safety Code (NESC), NEC, USCG and Corps regulations.

b. Electrical work shall be performed by a qualified person (See definition in EM 385-1-1) with verifiable credentials who are familiar with applicable code requirements.

- Regardless of age, condition, or "grandfather" status, a ***state licensed electrician*** is required to certify that all materials, workmanship, and wiring methods on the installation from the property line to the light pole or private dock meet the requirements outlined in this section.
- This certification is required before initial installation, transfer of ownership, or when repairs or modifications are made to any part of the electrical system. In addition, electrical work needs to be inspected and recertified every five (5) years before a permit is renewed.
- This certification must be submitted to the Corps no more than 10 working days after completion of activities.

c. In order to minimize adverse effects on public property, and for safety reasons, all permitted utilities must be located underground within the location of the right of way

designated on the shoreline use permit. If the terrain or substructure will not allow underground installation, then an applicant may submit a letter to the Natural Resource Manager stating this fact with a proposal for alternative methods of installation.

d. All electrical installations, including receptacles, must be weatherproof, be above ground, be attached securely and have ground fault circuit interrupter (GFCI) protection.

e. Overhead electrical lines will not be permitted.

f. Electrical fixtures must not be placed on vegetation.

g. One light pole will be allowed per dock with the following limitations:
   - The light pole must be located on the dock.
   - The pole shall be a maximum of 15 feet in height.
   - If the pole is wood, then it must be a minimum of 4 inches x 4 inches treated wood. (Other commercial products may be used with a Natural Resource Manager's approval.)
   - The light intensity must be no more than 150 total watts and installed with a motion sensor.
   - Floodlights will not be permitted.
   - Lighting shall be pointed towards the dock structure so as not to blind boaters or shoreline residents.

If the installation cannot be certified or the dock is removed, then the Natural Resource Manager will require the immediate removal of any electrical equipment associated with that structure.

14.2 Specified Act Permits

Specified Act Permits may be granted to perform certain one-time only acts of a minor nature such as removal of hazardous trees or exotic plants, planting of native species, establishment of temporary footpaths, etc. The permit will detail the authorized work including, but not limited to:

- methods to be employed
- drawings, plans, or photographs
- types of equipment
- time frames
- restoration

These permits will not be issued for activities which will damage, destroy, or significantly alter public lands or features.

Contact the local Corps office prior to making a permit application. Once the application is submitted, the Corps will have 30 days to review and respond to the application.

14.3 Water Lines & Pumps

Installation of water lines and pumps may be permitted, provided that the installation of this equipment does not pose a safety hazard or conflict with other project purposes. Applicants must be adjacent property owners who hold a valid permit for a private moorage facility. Applicants must also have documented water rights or obtain a withdrawal permit from the Oregon Department of Water Resources.

Installation of an underground water line requires approval of the Natural Resource Manager. The water line must not exceed two (2) inches in diameter. Water lines may be placed in the same trench as an electric line in accordance with national Electric Code specifications.

Pumps and electrical components shall meet the following criteria:

- Pumps must be electric and not gas powered.
- Pumps may not exceed two (2) horsepower.
- Installation must be on the floating facility.
- Pumps must meet fish screen requirements to protect endangered fish species as specified by the National Marine Fisheries Service.

Water withdrawal for the purpose of heat pump services is prohibited. There will be no land based pumps authorized on Corps' property.

Only one (1) water faucet will be approved on a dock and it must not exceed 30 inches in height.

Permanent sprinkler systems are not permitted on government property. The use of hoses with portable sprinklers is permitted in support of authorized vegetative modifications on Corps property.

15. Vegetation Modification Activities

Permits for the modification of vegetation on Corps lands may be granted to private individuals in those areas allocated for Limited Development or as Protected Shoreline. Permits must be responsive to the Corps' vegetation management objectives for the shoreline area which include:

1. Reduce erosion along the Dexter Lake shoreline.
2. Establish appropriate native vegetation along the shoreline for the enhancement of wildlife or fisheries habitat.
3. Help diminish water pollutant runoff into Dexter Lake.
4. Reduce exotic species.
5. Provide a distinct boundary between private lands and lands available for public use.

Vegetation modification activities that may be permitted include:

- Maintaining pedestrian access paths
- Mowing
- Pruning or removal of hazard trees
- Removal of exotic vegetation and/or planting of native vegetation

15.1 Eligibility

To be eligible for a vegetative modification permit, all shoreline use permit requirements as outlined in section 12.1 must be met. Generally, only one vegetation permit per adjacent property will be authorized unless otherwise approved by the Natural Resource Manager. *No new* vegetation modification permits for mowing (other than for dock access paths) will be issued after 2007, in order to preserve what remains of native riparian vegetation along the Dexter shoreline. Existing modification permits will be clarified to describe the extent of the permit areas as they existed in 2008.

Violations of any vegetation modification requirements may result in the issuance of a violation notice requiring the payment of a fine or appearance before the U.S. Magistrate and/or revocation of all or part of the shoreline permit. In addition, severe cases of destruction may result in a moratorium being placed on the affected areas of public land preventing the issuance of any new permits for a minimum of 5 years or until there is a new adjacent landowner.

15.2 Mowing

The terms and conditions of current vegetation modification permits will be honored until the permit is surrendered due to a change in ownership or failure to adhere to terms and conditions of the consolidated permit.

As permitted properties change ownership and new permits are granted, or through voluntary cooperation with existing permit holders, the Corps will work to improve habitat, runoff intercept and aesthetic values by re-establishing native vegetation on public land along the Dexter shoreline.

Landowners may choose between one of three vegetation alternatives for the shoreline directly shoreward of their property boundaries:

1) 10 ft. Buffer: A 10 foot shoreline buffer in which vegetation modifications will be strictly limited will be established by restricting mowing within this zone. This buffer will begin from the ordinary high water mark inland 10 feet.

    a) Mowing will be allowed outside the 10 foot buffer and to maintain shoreline access paths between April 1 and November 31.

2) 20 ft. on center: Vegetation "islands" will be established on 20 foot centers along the shoreline. Islands will be anchored by native trees either planted or existing, on 20 ft. centers. In addition, the Corps will implement the following prescriptions:

a) All vegetation modification permits for mowing will include a maintenance requirement related to the establishment and management of the vegetation islands. The islands will be a mix of native tree and shrub and/or ground cover. This prescription will establish small vegetation islands that are firm-rooted, site appropriate and maximize habitat values. The design of each area will be developed cooperatively with each permittee. Islands will be designed to utilize existing vegetation, where practicable.

b) The Corps will assist permit holders in establishing islands, by providing plant material and initial labor. Conditions of each permit will require permittees to maintain the vegetation islands by removing Scots broom, blackberry and other noxious weeds, and may require watering to establish plantings.

c) Mowing will be allowed around vegetation islands, between April 1 and November 31, including access paths to shoreline facilities.

3) 40% Cover: All vegetation modification permits will include a planting plan that will require that a minimum of 40% of the permit area be maintained in a mix of native tree and shrub and/or ground cover.

a) This prescription will establish small vegetation islands that are firm-rooted, site appropriate and maximize habitat values. The design of each area will be developed cooperatively with each permittee. Islands will be designed to utilize existing vegetation, where practicable. For purposes of calculation, total permit area will be described as the public land directly shoreward of the permittee's property.

b) The Corps will assist permittees in establishing islands, by providing plant material and initial labor. Conditions of each permit will require permit holders to maintain the vegetation islands by removing Scots broom, blackberry and other noxious weeds, and may require watering to establish plantings.

c) Mowing will be allowed around vegetation islands, between April 1 and November 31, including access paths to shoreline facilities.

Hand tools, power hand tools, and small riding or push mowers may be used to accomplish mowing. No tractors will be allowed. Cut vegetation may be removed or left to decompose but may not be piled on public land. The vegetation should not be burned on Corps land or thrown into the lake.

In order to facilitate mowing activities, limbing of trees on Corps property may be permitted only under a Specified Act Permit (see section 14.2). Before limbing occurs, the landowner must meet with a Park Ranger for an onsite review. The Park Ranger will determine what limbing may be done and a specified act permit may be issued to the permittee.

15.3 Access Paths

A pedestrian access path shall be permitted through Corps property to a permittee's dock structure as long as the path remains (6) feet or less in width. Access paths should follow a meandering route if necessary to avoid wetland areas and vegetation islands, avoid the need to remove woody vegetation, avoid land form modifications, and prevent erosion.

Permittees may not modify the ground or construct any structures (steps, bridges, etc.) in connection with the path. The path may not be used by motor vehicles.

15.4 Hazard Trees

Removal of hazard trees that endanger life or property may be permitted with a Specified Act Permit issued by the Natural Resource Manager (see section 14.2). Requests for hazard tree removal may require an evaluation by a certified arborist. Hazard tree removal will be limited by the following restrictions:

- Heavy equipment may not be used to remove the tree.
- The permittee may remove the tree from Corps land for disposal, but cannot use the tree for commercial gain.
- Burning by private individuals will not be allowed on Corps lands.

15.5 Invasive Species Control

Invasive species are organisms that are not native to a geographical region and may be detrimental to ecosystems. The management of invasive species requires that resource managers take the following steps: 1) prevention, 2) early detection and rapid response, 3) eradication, and 4) control.

When drafting a vegetation permit, the Corps will provide the permittee with a list of invasive or exotic species that can be manually controlled by the permittee. The permittee may remove the vegetation or leave it on the ground as long as the vegetation does not damage or kill the vegetation underneath the downed material. Removal restrictions include:

- Use of large motorized vehicles.
- Burning on Corps property.
- Dumping of removed vegetation into the lake.

15.6 Vegetative planting

Vegetative planting on Corps land may be permitted under a Specified Act Permit issued by the Natural Resource Manager (see section 14.2). Requests to plant vegetation on the shoreline

must be accompanied by a detailed plan that must include a landscape drawing with species, locations, size, etc. A list of species approved for planting is located in **Exhibit VIII**. If the applicant wishes to plant a species that is not on the approved list, it must be described in the landscaping plan and approved by the Corps. Non-native plant species will not be approved.

A publication that describes the value of buffers, shoreline stabilization and native plants in the Willamette Valley is located at http://biosys.bre.orst.edu/restore/native_plants.pdf

16. Erosion Control

The Corps recognizes the special interest that shoreline owners within the LDA have with respect to erosion of the shoreline. Accordingly, the Natural Resource Manager will accept proposals for erosion control or bank stabilization projects along the LDA shoreline. Erosion control projects that involve placement of any type of fill in the lakebed typically require permitting under section 404 of the Clean Water Act. This program is administered jointly by the Corps' Regulatory Office in Eugene, Oregon, and the Division of State Lands in Salem, Oregon . All permit decisions are subject to compliance with the ESA, NEPA, Fish and Wildlife Coordination Act, National Historic Preservation Act, applicable Executive Orders and other environmental or cultural resource laws and regulations.

The decision whether to issue or deny a permit is based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity and its intended use on the public interest. Benefits and detriments are carefully balanced by considering reasonably foreseeable effects on relevant public interest factors. Some of the public interest factors include conservation, aesthetics, fish and wildlife, wetlands, environmental concerns, cultural values, recreation and safety. The Corps' decision will reflect the national concern for both protection and utilization of important resources. The following general criteria are considered in the evaluation of every application:

- the relative extent of the public and private need for the proposed activity;
- practicability of using reasonable alternative locations and methods to accomplish the overall purpose of the proposed activity; and
- the extent and permanence of the beneficial and/or detrimental effects which the proposed activity is likely to have on the public and private uses to which the area is suited.

Preferred bank stabilization measures shall follow the guidelines set under the Riparian Restoration: Bioengineering page on the DSL website located at http://www.oregon.gov/DSL/PERMITS/bioengineering.shtml.

The Corps encourages the use of vegetation and large woody debris to control erosion and protect aquatic and riparian habitat, and discourages the use of rocky riprap or retaining walls.

17. Violation of Permit Conditions

Rules and regulations governing the shoreline management program are enforced through Title 36, part 327, Code of Federal Regulations.

The safety of the public and facility users is a high priority for this shoreline management program. All structures and activities authorized under a shoreline use permit are subject to inspection by a USACE Park Ranger or other duly authorized representative of the District Engineer at least once each year or at such frequency deemed appropriate to insure the safe condition of structures and compliance with the permit terms. The facility type, age, and level of use will generally determine the frequency of inspections. However, permitted facilities may be randomly inspected (**Exhibit IX)** at any time when a Park Ranger is performing duties along the shoreline. Normally, routine inspections will be conducted in either the fall or spring of each year, or both. The timing of these inspections will allow repairs from winter storm damage to be completed before heavy summer use begins and for repairs necessary after heavy summer recreation use.

If a deficiency is found during an inspection, the inspector will provide written notification to the permittee by mail. Upon written notification of permit deficiencies, the permittee shall conduct repairs or initiate corrective action to the satisfaction of the inspector within 30 days. If serious safety deficiencies are identified, the Natural Resource Manager may post and restrict use of the facility until the deficiencies are corrected. After 30 days, a permittee's failure to repair a structure or otherwise fail to substantially comply with the terms and conditions of their shoreline use permit, may result in revocation of the permit, removal of facilities, restoration, payment of collateral forfeiture, mandatory appearance before a U.S. magistrate or stronger penalties. Any removal of facilities will be performed at the permittee’s expense and the entire waterway and lands affected by the structures must be restored to their former condition. If the permittee fails to remove and restore to the satisfaction of the Natural Resource Manager, the Corps will initiate actions by contract or otherwise and recover the cost from the permittee.

Severe cases of destruction of public land or non-compliance with permit conditions may also result in a moratorium being placed on the affected area of public land. This moratorium will prevent the issuance of any new permit for a minimum period of five (5) years. A new shoreline use permit may be issued when the moratorium expires or when ownership of the adjacent private property, to which a permit is assigned, is transferred.

18. Boundary Identification and Encroachment Resolution

The Dexter Lake project boundary line has been established and marked by USACE in accordance with standard survey techniques. Boundary monuments are marked with brass caps at ground level, white posts or posts with signs. These markers may not be the exact boundary line, but they indicate that the boundary line is nearby.

If a private need arises for the exact location of the common government/private property line, the adjacent property owner (at their expense) must utilize a licensed surveyor. The Corps will provide information to surveyors or property owners which might assist in the location of

boundary lines and property corners. Any discrepancies should be resolved with the Natural Resource Manager.

Other than pedestrian access or general public recreational activities, any activity on public property not covered by a shoreline use permit or a specified act permit will be considered an encroachment or trespass. An "encroachment", as defined in ER 405-1-12, pertains to a structure or improvement built, installed or established which interferes with a real estate interest of the United States, either a fee interest or an easement if such is prohibited in the deed. Examples of such encroachments include patios, roof overhangs and other permanent structures.

Off-road motorized vehicle operation, burning, tree-cutting, unpermitted mowing or brush removal, and placement of debris on Corps' lands are considered trespasses. These and other unauthorized activities are described in Engineering Pamphlet 1165-2-316, which summarizes the Corps of Engineers Rules and Regulations Title 36, Chapter III, Part 327. In addition, private property such as lawn furniture, hammocks, and boats left on Corps' property longer than 24 hours are considered abandoned property. Such items are subject to removal at the owner's expense. Abandoned property impounded and unclaimed will ultimately be disposed of.

Adjacent landowners are encouraged to build structures a distance sufficiently away from the boundary line to allow maintenance of the structure and to reduce the possibility of subsequent encroachments when adding onto a structure. County ordinances should be checked to determine if set back requirements exist. The property line may be delineated by additional means such as fencing, rocks or vegetation, but care should be taken not to disturb the existing Government boundary markers.

Existing major encroachments as determined by the Natural Resource Manager will require resolution prior to issuance of a new permit to a new owner or upon the expiration of existing permit. This may involve removal, restitution, and/or issuance of a citation requiring the payment of a fine and/or the appearance before a Federal Magistrate.

When an encroachment is identified that will require more than 24 hours to remove, a reasonable period of time will be allowed if the encroaching party demonstrates willingness to do so. The time period will be documented in writing to the encroaching party.

Where an encroaching party does not demonstrate the willingness to resolve a major encroachment, the action will be reported to the Real Estate Division, Portland District for the preparation and submission of a litigation report, in accordance with ER 1180-1-1.

19. Natural Resource Management

The U.S. Army Corps of Engineers environmental program has two major focus areas: restoration and stewardship. Efforts in both areas are guided by the Corps environmental operating principles, which help balance economic and environmental concerns. The Corps stewardship program focuses on the ongoing care and protection of the 12 million acres of rivers, lakes and wetlands for which the Corps is directly responsible. The Corps is dedicated to caring for these natural resources by:

- preserving and restoring habitats for plants, fish and wildlife;
- protecting rare, endangered and threatened species;
- operating fish hatcheries and wildlife refugees in cooperation with state agencies; and
- monitoring water quality.

19.1 Fisheries Management

Dexter Reservoir supports naturally reproducing populations of introduced bluegill, crappie, bullhead, largemouth bass, and smallmouth bass. Native fish inhabiting the reservoir include: cutthroat trout, rainbow trout, largescale sucker, sculpin, northern pikeminnow, redside shiner, dace, Oregon chub, and juvenile spring chinook salmon. Oregon Department of Fish and Wildlife (ODFW) monitors the fish population in Dexter Reservoir using a combination of creel, electro-fishing, minnow traps and trap netting. The reservoir is popular with trout anglers and is planted with approximately 20,000 catchable rainbow trout each year. Oregon chub and Spring Chinook Salmon are listed under the federal Endangered Species Act (ESA).

Listed Fish Species

Oregon Chub

United States Fish and Wildlife Service (USFWS) listed Oregon chub as endangered under the Endangered Species Act in 1993. Currently two known populations of Oregon chub inhabit Dexter Reservoir in "The Pit" and the Dexter Reservoir RV Alcove. Both populations reside in alcoves on the south side of the reservoir that are connected to the reservoir by culverts passing under Hwy 58. In 2005, ODFW sampled both populations and estimated 600 Oregon chub reside in the "The Pit" and 1,850 in the Dexter Reservoir RV Alcove.

Spring Chinook Salmon

Spring chinook salmon are native to the Middle Fork Willamette subbasin. The National Marine Fisheries Service (NMFS) listed Upper Willamette River spring chinook (including the Middle Fork sub-basin) as Threatened under the federal Endangered Species Act on 24 March 1999. NMFS designated critical habitat for listed Upper Willamette River spring chinook on 16 February 2000.

Historically, the Middle Fork Willamette was one of the major natural production areas for spring chinook in the Upper Willamette Basin. Mattson (1948) estimated the spring chinook run of the Middle Fork Sub-basin to be 2,550 fish in 1947, accounting for 21 percent of the spawning population above Willamette Falls. Prior to construction of impassable dams, spawning occurred primarily in the North Fork of the Middle Fork Willamette, Salt Creek, Salmon Creek, and Fall Creek sub-basins (Mattson 1948). Following construction of the dams it is believed that naturally produced fish accounted for a small percentage of the returning adults in the Middle Fork Willamette (ODFW 1992). In 1993, ODFW began outplanting excess adult spring chinook above COE facilities in the Middle Fork Willamette Basin. Juvenile spring chinook produced from these outplants reside in Lookout Point and Dexter Reservoirs year around. In 2001,

ODFW and USACE estimated that 40,000 naturally produced juvenile spring chinook migrated through Lookout Point Dam into Dexter Reservoir from November – mid February.

19.2 Wildlife Management

Dexter reservoir provides breeding, foraging and/or wintering habitat for a variety of wildlife including waterfowl, raptors, songbirds and bats, and supports a small western pond turtle population. The importance of Dexter reservoir to waterfowl occurs principally in winter, when American coots and American widgeon complement smaller numbers of scaup, ring-necked duck, ruddy duck, goldeneye, bufflehead, red-head, and wood duck. The Oregon Department of Fish and Wildlife conducts annual one day counts of waterfowl on Dexter Lake in January of each year; typical counts are 200 – 800 coots, and 50 – 100 ducks of all species. A lack of emergent and floating aquatic plants resulting from fluctuating water levels limits the reservoir's value to waterfowl. Shoreline riparian areas are dominated by black cottonwood and several species of willow; these provide habitat for breeding neo-tropical migrant birds including willow flycatcher (a State and Federal species of concern), support insect populations that provide food for many birds and bats, and provide perch trees for bald eagles. Outside of the developed areas of the lake, the shoreline is managed to promote growth of native riparian trees and shrubs, and to control the presence of exotic species.

Special Status Wildlife Species

Bald Eagles

Bald eagles routinely breed in forest land adjacent to Dexter Lake. One nest site has been active for more than 20 years, and produced at least 24 young in that time. Adults from an additional nest below Dexter dam are presumed to forage at Dexter at least occasionally, and juveniles and sub-adults are frequently seen in winter. Bald eagles typically nest within view of the water, and establish routine feeding and foraging perches along the shoreline. Several cottonwoods have been identified over the years as important perch locations, most of them in the eastern half of the reservoir; eagles have also been observed perching on stumps in the reservoir. While fish provide the primary food resource for breeding bald eagles, coots and other waterfowl are important in the winter. The presence of bald eagles on the reservoir requires the Corps to address impacts to eagles and their habitat as a result of management actions including permitted activities; management and protection of the aquatic and riparian resource is critical to insure continued presence of this species at Dexter Lake.

19.3 Forest Management

The Corps reserves the right to revegetate the shoreline when natural disasters or encroachments take place. This might occur in the case of timber encroachments, insect and disease attacks, fire, storms, or other natural disasters. These types of events may require the planting of vegetation or trees.

19.4 Endangered Species

The Endangered Species Act of 1973, as amended states in part, "all Federal departments and agencies shall seek to conserve endangered and threatened species and shall utilize their authorities in furtherance of the purposes of this Act." The goal of the Willamette Valley Project Resource Management Staff is to provide protection and special habitat management for federally listed endangered and threatened plant and animal species identified on the project. No permits will be issued that conflict with the enhancement or preservation of the habitat of endangered and/or a threatened plant and animal species. Any permit issued in violation of the Endangered Species Act, either past or present, will be modified or rescinded.

19.5 Invasive Aquatic Species

Section 104 of the River and Harbor Act of 1958 (Public Law 85-500), as amended, and Sections 103, 105, and 712 of the Water Resources Development Act of 1986 (Public Law 99-662) authorize USACE to cooperate with other Federal and non-Federal (usually state) agencies in comprehensive programs for the control of obnoxious aquatic plants. (ER 1130-2-500 and EP 1130-2-500 are applicable to this Corps program.)

Invasive species that threaten the water resources of the northwest include hydrilla, Eurasian watermilfoil and zebra mussels among others.

19.6 Water Quality

Water pollution may be derived from two sources: point and non-point. Point sources are best described as pollution originating from an identifiable source such as an effluent line. Non-point sources are not readily identifiable and may originate over a broad area. Examples of non-point source pollution include pesticide run-off and soil erosion from a stream watershed.

Cleaning vessels and docks with soaps and solvents at the shoreline pollutes the lake. This activity, and use of insecticides, herbicides, pre-emergent and fertilizers are prohibited on public land and water. Application of the above chemicals and construction on adjacent private property has strong potential to disperse pollutants into the lake. Instances of sedimentation and chemical pollution will be investigated and reported to the appropriate agency for action. Shoreline Use Permits can be revoked in whole or in part for violations of this restriction.

19.7 Wetlands

The US Army Corps of Engineers and the US Environmental Protection Agency define wetlands as follows:

Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

The Corps uses three characteristics of wetlands when making wetland determinations: **vegetation, soil, and hydrology.** Unless an area has been altered or is a rare natural situation, wetland indicators of all three characteristics must be present during some portion of the growing season for an area to be a wetland.

20. Regulatory Buoys

The zoning of Dexter Lake has been developed in cooperation with the Oregon State Marine Board. The existing plan is flexible, allowing periodic review and amendment through the State Marine Board public review process. The Corps is responsible for placement and maintenance of all water markers at Dexter Lake. At present, the following areas are zoned or restricted as indicated:

Dexter Park Boat Ramp	"5 mph"	OPRD
Lowell Park Boat Ramp	"5 mph"	OPRD
Lowell Park Swim Area	"5 mph"	OPRD
Dexter Lake Causeway	"5 mph"	Corps
Shallow areas east of the Dexter Lake causeway	"Hazards"	Corps
Dexter Lake - 400 yards from the base of Lookout Point Dam	"Restricted – no boats beyond this point"	Corps
Dexter Dam – 100 yards below dam	"Restricted – no boats beyond this point"	Corps

21. Administrative Review

In order to resolve situations relative to permit issues not specifically addressed in this Shoreline Management Plan, the Lookout Point Project Office will conduct an administrative review. Determinations will be made based on public laws, policies, and other regulatory guidance and standard practices at other similar projects.

22. Summary

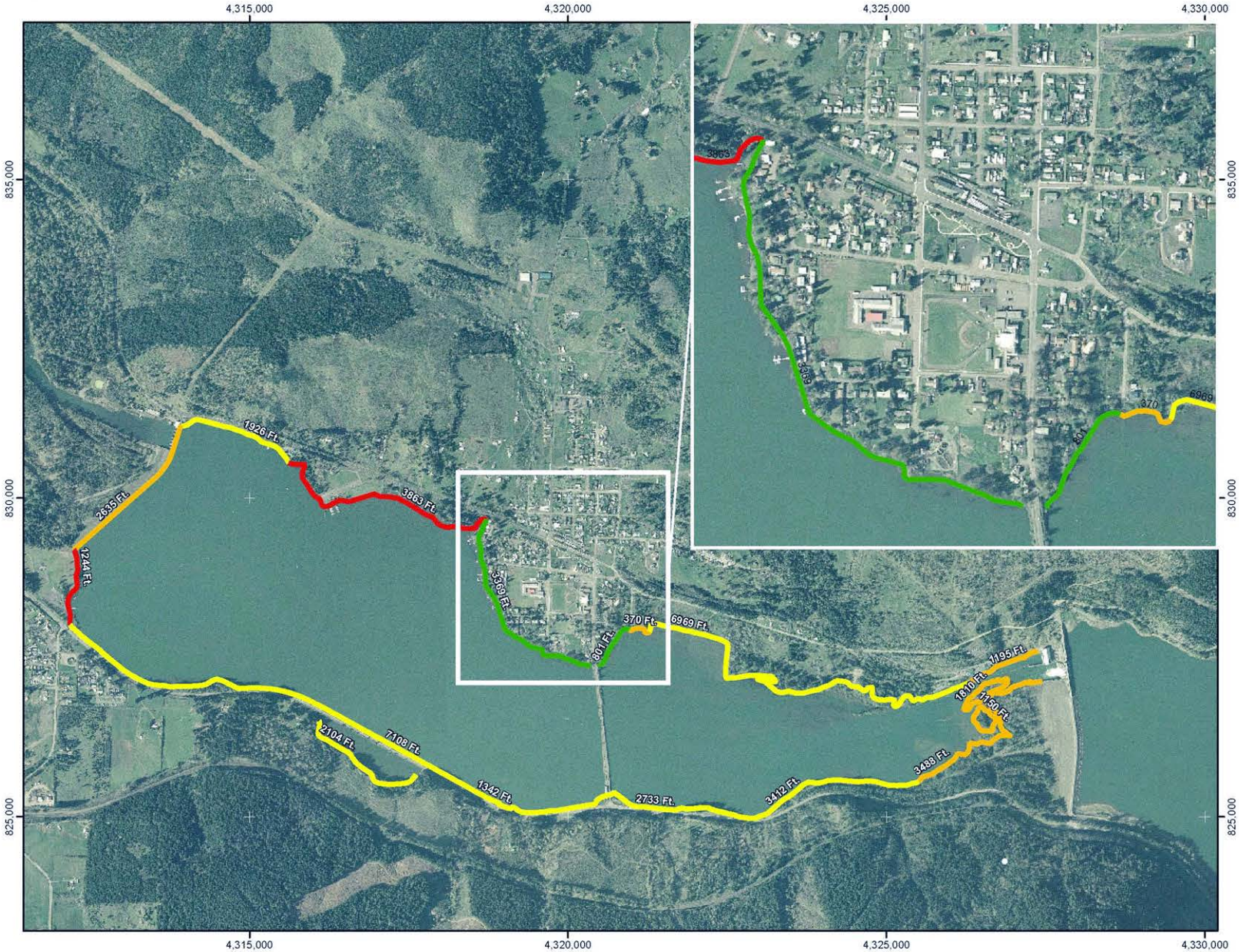
USACE is charged to protect and manage the Dexter Lake project within its scope of authority while providing recreational opportunities for the entire public. It is the intent of this Shoreline Management Plan to provide the maximum benefit to the public within the physical limitations of the project. This intent must be balanced within the authorized purposes of the project and existing operations. The Natural Resources Office will continue to monitor the needs of project users and recommend revisions to minimize conflicts between various interests. This plan will be evaluated for major revision as needed. In advance of recommending any major revision to this plan, additional public workshops will be held as required.

The natural resource office staff is available to address any questions concerning the shoreline management plan and its policies.

23. Exhibits

Number	Title
Exhibit I	- Shoreline Allocation Map
Exhibit II	- Shoreline Use Permit Conditions
Exhibit III	- Application Procedure for Shoreline Use Permits
Exhibit IV	- Applicant Interview for Shoreline Use Permit
Exhibit V	- Standard Dock Drawings/Site Plan
Exhibit VI	- Boat/PWC Hoist Certification
Exhibit VII	- Electrical Service Requirements
Exhibit VIII	- Approved Planting List
Exhibit IX	- Facility Inspection Checklist

Dexter Lake Shoreline Management



Dexter Lake
Shoreline Management
Exhibit 1

0 750 1,500 3,000
Feet

N
W E
S

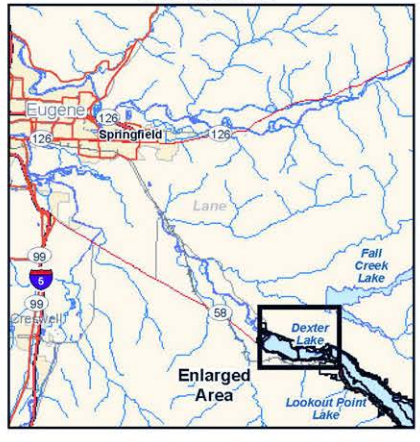
US Army Corps of Engineers
Portland District

Shoreline Management

- Limited Development Area (4,170 ft.)
- Limited Access Area (10,648 ft.)
- Protected Shoreline Area (25,594 ft.)
- Public Recreation Area (5,107 ft.)

Projection: State Plane, Oregon South Zone, NAD83, Feet.
Aerial Photography dated 2004.
CENWP-EC-TG (G. Bertrand)
Revised 5 July 2007

LOCATION MAP



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Portland District

EXHIBIT II Shoreline Use Permit Conditions

ER 1130-2-406
31 Oct 90
28 May 99

1. This permit is granted solely to the applicant for the purpose described on the attached permit.
2. The permittee agrees to and does hereby release and agree to save and hold the Government harmless from any and all causes of action, suits at law or equity, or claims or demands or from any liability of any nature whatsoever for or on account of any damages to persons or property, including a permitted facility, growing out of the ownership, construction, operation or maintenance by the permittee of the permitted facilities and/or activities.
3. Ownership, construction, operation, use and maintenance of a permitted facility are subject to the Government's navigation servitude.
4. No attempt shall be made by the permittee to forbid the full and free use by the public of all public waters and/or lands at or adjacent to the permitted facility or to unreasonably interfere with any authorized project purposes, including navigation in connection with the ownership, construction, operation or maintenance of a permitted facility and/or activity.
5. The permittee agrees that if subsequent operations by the Government require an alteration in the location of a permitted facility and/or activity 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 noncompliance with the conditions of the permit.
7. Ownership, construction, operation, use and maintenance of a permitted facility and/or activity are subject to all applicable Federal, state and local laws and regulations. Failure to abide by these applicable laws and regulations may be cause for revocation of the permit.
8. This permit does not convey any property rights either in real estate or material; and does not authorize any injury to private property or invasion of private rights or any infringement of Federal, state or local laws or regulations, nor does it obviate the necessity of obtaining state 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 resource manager, 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 boat dock facility shall be limited “to the mooring of the permittee’s vessel or watercraft and the storage, in enclosed locker facilities, of his/her gear essential to the operation of such vessel or watercraft.
12. Neither a permitted facility nor any houseboat, cabin cruiser, or other vessel moored thereto shall be used as a place of habitation or as a full or part-time residence or in any manner which gives the appearance of converting the public property, on which the facility is located, to private use.
13. Facilities granted under this permit will not be leased, rented, sub-let or provided to others by any means of engaging in commercial activity(s) by the permittee or his/her agent for monetary gain. This does not preclude the permittee from selling total ownership to the facility.
14. Floats and the flotation material for all docks and boat mooring buoys shall be fabricated of materials manufactured for marine use. The float and its flotation material shall be 100% warranted for a minimum of 8 years against sinking, becoming waterlogged, cracking, peeling, fragmenting, or losing beads. All floats shall resist puncture and penetration and shall not be subject to damage by animals under normal conditions for the area. All floats and the flotation material used in them shall be fire resistant. Any float which is within 40 feet of a line carrying fuel shall be 100% impervious to water and fuel. The use of new or recycled plastic or metal drums or non-compartmentalized air containers for encasement or floats is prohibited. Existing floats are authorized until it or its flotation material is no longer serviceable, at which time it shall be replaced with a float that meets the conditions listed above. For any floats installed after the effective date of this specification, repair or replacement shall be required when it or its flotation material no longer performs its designated function or it fails to meet the specifications for which it was originally warranted.
15. Permitted facilities and activities are subject to periodic inspection by authorized Corps representatives. The resource manager will notify the permittee of any deficiencies and together establish a schedule for their correction. No deviation or changes from approved plans will be allowed without prior written approval of the resource manager.
16. Floating facilities shall be securely attached to the shore in accordance with the approved plans by means of moorings which do not obstruct general public use of the shoreline or adversely affect the natural terrain or vegetation. Anchoring to vegetation is prohibited.
17. The permit display tag shall be posted on the permitted facility and/or on the land areas covered by the permit so that it can be visually checked with ease in accordance with instructions provided by the resource 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 resource 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 letter.
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. When vegetation modification on these lands is accomplished by chemical means, the program will be in accordance with appropriate Federal, state and local laws, rules and regulations.
24. The resource manager or his/her authorized representative shall be allowed to cross the permittee's property, as necessary, to inspect facilities and/or activities under permit.
25. When vegetation modification is allowed, the permittee will delineate the government property line in a clear, but unobtrusive manner approved by the resource manager and in accordance with the project Shoreline Management Plan.
26. If the ownership of a permitted facility is sold or transferred, the permittee or new owner will notify the Resource 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.
27. If permitted facilities are removed for storage or extensive maintenance, the resource manager may require all portions of the facility be removed from public property.

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Portland District

EXHIBIT III

Application Procedure for Shoreline Use Permit Dexter Lake

A Guide to Applicants

Who May Apply:

Applicants must be at least 18 years of age. Only one permit/license may be issued per adjacent landowner for a private floating facility and or vegetation modification. Multiple persons listed on a deed or lease agreement will be considered as one adjacent landowner.

All shoreline use permit/licenses are issued on a first come basis in accordance with Title 36, Code of Federal Regulations, Chapter III, Part 327 and ER 405-1-12, Chapter 8.

How to Apply:

Contact the Corps' Environmental Stewardship Section at Fern Ridge Lake and request an appointment with the Shoreline Management Ranger (541-688-8147). The Park Ranger will meet with you at your property to discuss shoreline management policies. You will be given an application packet to complete and return to the Willamette Valley Project Office for review and consideration. Final approval will not be given until the Natural Resource Manager reviews and approves the permit.

What to File:

- Two (2) completed original applications
- One (1) copy of your property deed or closing statement (Note: must be signed and notarized)
- One (1) copy of certified engineered dock drawings displaying dimensions and anchoring.
- Electrical certification statement (when applicable)
- Check payable for $35.00 to: FAO, USAED, Portland District
    - ❖ Note: all information is required at once. Partial or incomplete applications will not be accepted.

Where to File:

U.S. Army Corps of Engineers
Fern Ridge Project
Attn: Environmental Stewardship Supervisor
26275 Clear Lake Road
Junction City, OR 97488

How to Modify a Permit:

Modification to any part of the permit requires prior approval from the Natural Resource Manager. A site review may be required. Please contact your Shoreline Ranger for assistance.

Renewal of Permits:

Upon renewal the following requirements must be met:

- Dock/vegetation inspection by a Park Ranger
- Electrical re-certification (when applicable)

Rules & Regulations:

Regulations governing the use of Dexter Lake are established in the Code of Federal Regulations, Title 36, Part 327. Copies are available at the Willamette Valley Project Office. A violation of provisions of the regulation shall subject the violator to a fine of not more than $5,000.00 or imprisonment for not more than six (6) month or both, restitution of damages, restoration and/or permit revocation.

Processing the Application:

It will take approximately 3 to 5 weeks to evaluate and process your application. Much of this time depends on the accuracy and completeness of your application. Be sure to check all application requirements prior to mailing. A permit must be issued before any work may begin.

US Army Corps of Engineers ®
Portland District

EXHIBIT IV

Applicant Interview for Shoreline Use Permit

Name of Applicant: _____

Address of Applicant:_____

Phone Number of Applicant: _____

Name and Title of Interviewer: _____

Handouts Provided	
❑ Guide to Applicants	❑
❑ Application Forms	❑
❑ Site Plan Example	❑
❑ Dock Drawing Forms	❑
❑ Electrical Installation	❑
❑ Title 36, CFR Section 327	❑
❑ Plant List	❑

Items Discussed	
❑ Dock Location Identified	❑ Permit Revocation, Non-reissuance
❑ Construction and Location of Pathway	❑ Use of Pesticides and Herbecides
❑ Boat Hoists/Personal Watercraft Moorage	❑ Operation of Motorized Vehicles
❑ Pump and Waterline Installation	❑ Hazardous Trees
❑ Annual Lake Level Fluctuation	❑ Unauthorized Clearing of Trees/ Vegetation
❑ Planting of Non-native and Ornamental Vegetation	❑ Permit Expiration Date (if less than 5 years)
❑ Land Disturbing Activities (Grading, Digging)	❑ Special Conditions
❑ Encroachments	❑
❑ Shoreline Stabilization Measures (Section 10/404)	❑
❑	❑

Meeting Notes:

My use of/ownership in other permitted facilities or pending requests at this project is (are):

I have been provided the above reference material and been informed of the guidelines noted and understand that any type of work or installation of facilities on public property must be approved by the Natural Resource Manager. I also understand and agree that no work will begin until I receive written approval to proceed.

_____ _____

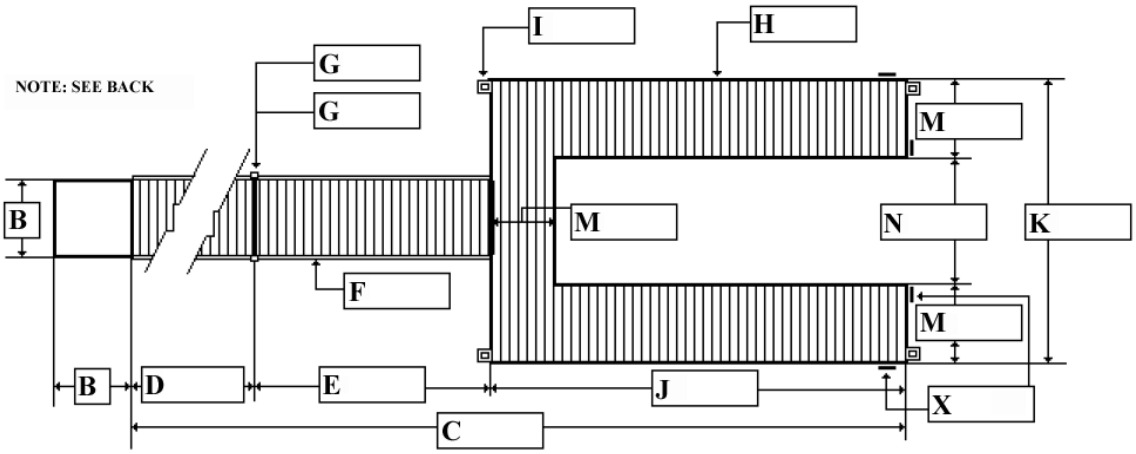
Date Signature of Applicant

US Army Corps of Engineers ®
Portland District

EXHIBIT V Standard Dock Drawings/Site Plan

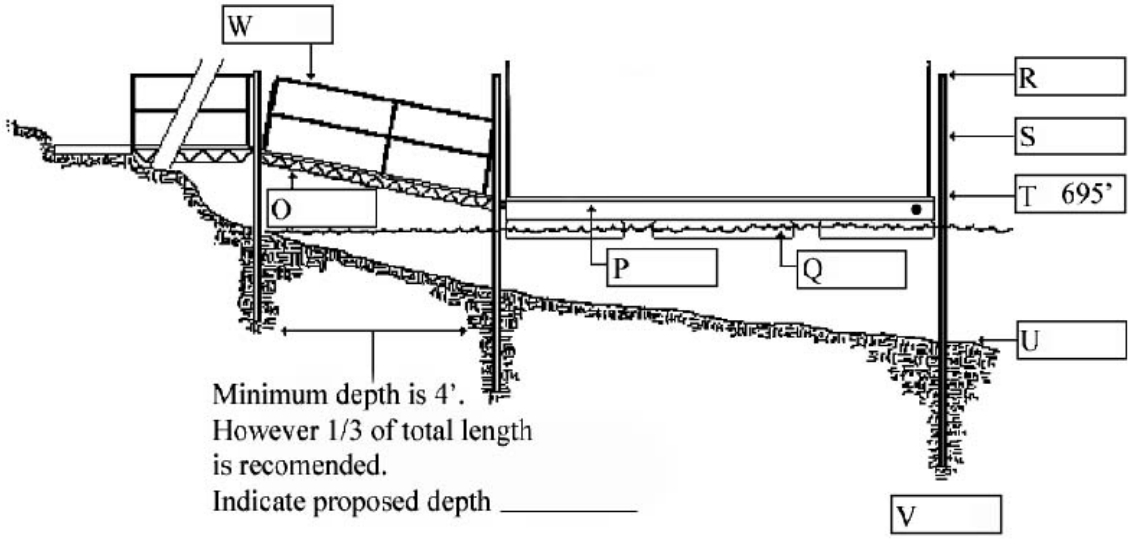
BOAT DOCK W/ SLIP PLAN

TOP VIEW



NOTE: Boat Hoists or Personal Watercraft Lifts of any type must be approved prior to installation.

SIDE VIEW



Minimum depth is 4'.
However 1/3 of total length
is recomended.
Indicate proposed depth _____

CONCEPTUALLY APPROVED
for
U.S. Army Corps of Engineers, Portland District
BY:_____
DATE:_____

NOTICE: This approval stamp DOES NOT certify an engineering review. The builder should rely on professional engineering services to certify that the design is suitable for intended purposes and meets minimum standards including those related to the safety of the users

I will construct this facility according to this plan.

Name:_____

Subdivision:_____

Lot No.:_____

A. Write "same" in boxes if the suggested materials, dimensions, etc. will be used. Give dimensions where requested. Major deviations must be shown on an original plan. Slips must be accompanied with a copy of the permittee's boat registration showing sizes of boat.

B. Foundation pads for steps or walkways must not exceed 6'x 6'. Give dimension in box (B). If you choose not to have a pad, write in: N.A.

C. Maximum length of the total structure from shore can be 75' - not to exceed 1/3 of the total width in tributary areas. Write desired length in box (C).

D. Write in box (D) the length of the walkway to the ramp.

E. Minimum length of hinged section is 6'. Give desired length in box (E).

F. Walkway minimum 3' wide up to a maximum of 6' wide, with center stringer.

G. Indicates 4" steel piling. Specify material and number of pilings to be used with walkway.

H. Indicates decking. Give your desired dimension in box (H). Any deviations must be noted.

I. Indicates pole guide device and 4" steel piling. Any deviations must be noted.

J. Write your desired length of the main dock in box (H).

K. Give your desired width of main dock in box (K).

M. Finger walkway - give desired dimensions in boxes (M). Minimum width of walkways is 4'. Total square footage should not exceed 900 square feet.

N. Give your desired width of slip in box (N).

O. Indicates steel bar joist. Box (O).

P. Indicates steel frame with welded joints. Any deviations must be noted in box (P).

Q. Flotation shall be of materials which meet OSMB standards. Box (Q).

R. Give your proposed piling height in box (R).

S. Top of walkway, give proposed elevation in box (S).

T. Indicates the upper pool level at 695' above sea level.

U. Give the elevation of the lake bottom beneath the end of the boat dock.

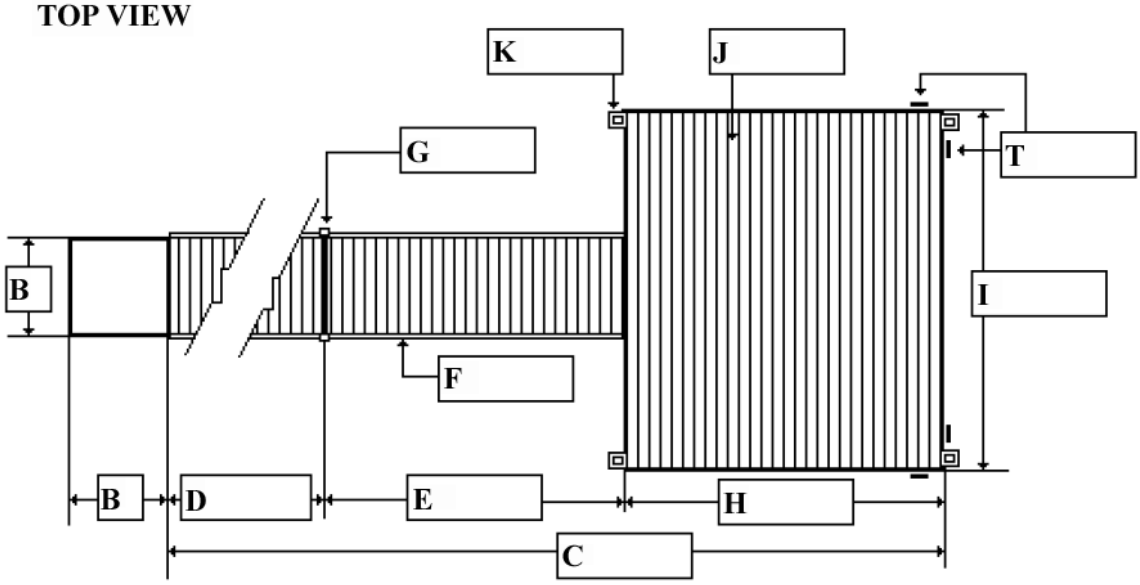
V. Piling to be driven to a depth of 1/3 of total length. Any deviations must be noted in box (V).

W. Handrail constructed of a minimum height of 36" - 48", with an intermediate rail 18"- 24" high. Maximum distance between support posts on handrails is 8 feet. Vertical posts can be used in place of mid-rails if they are 12 inches or less apart.

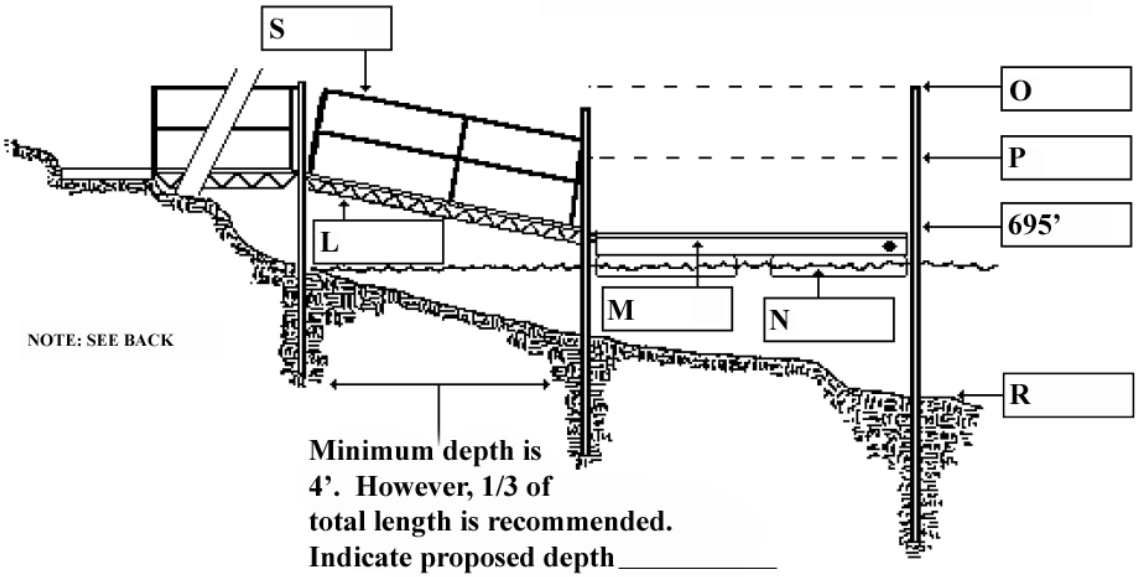
X. Safety reflectors. Owners of new, reassigned or reissued boat dock facilities are required to supply, install and maintain at least four, 3" diameter orange/red reflectors. These reflectors are to be placed on each side of the front corners of the dock, visible at night to vessel spotlights. Reflectors must be replaced when they become missing or damaged beyond their effectiveness.

"FLAT - T" BOAT DOCK PLAN

TOP VIEW



SIDE VIEW



Note: is the dock's floating section offset to one side? (circle one) NO LEFT RIGHT

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for
U.S. Army Corps of Engineers, Portland District
BY:_____
DATE:_____

NOTICE: This approval stamp DOES NOT certify an engineering review. The builder should rely on professional engineering services to certify that the design is suitable for intended purposes and meets minimum standards including those related to the safety of the users

I will construct this facility according to this plan.

Name:_____

Subdivision:_____

Lot No.:_____

A. Write "same" in boxes if the suggested materials, dimensions, etc. Will be used. Give dimensions where requested. Major deviations must be shown on an original plan.

B. Foundation pads for steps or walkways must not exceed 6'x6'. Give your dimension in box (B). If you choose not to have a pad, write in: N.A.

C. Maximum length of the total structure from shore can be 75' (including dock platform) -- not to exceed 1/3 of the total width in tributary areas. Write desired length in box (C).

D. Write in box (D) the length from the beginning of the walkway to the ramp.

E. Minimum length of hinged section is 6'. Give desired length in box (E). This will not apply to fixed facilities.

F. Walkway minimum 4' wide up to a maximum of 6' wide, with center stringer.

G. Indicates 4" steel piling. Piling to be driven to a depth of 1/3 of total length. Specify material and number of pilings to be used with walkway.

H. Floating portion of the dock should not exceed 700 sq. Ft. Write desired length in box (H).

I. Write desired width of dock in box (I).

J. Indicates length of main dock in box (J).any deviations must be noted.

K. Indicates pole guide device and 4" steel piling.

L. Indicates 12" steel bar joist. Any deviations must be noted.

M. Indicates 14 gauge steel frame with welded joints. Any deviations must be noted in box (M).

N. Flotation shall be of materials which meet OSMB standards. Box (N)

O. Give your proposed piling height in box (O).

P. Top of the walkway, give proposed elevation in box (P).

Q. Indicates the upper pool level at 695' above sea level.

R. Give the elevation of lake bottom beneath the end of the dock.

S. Handrail constructed of a minimum height 36" - 48", with an intermediate rail 18" - 24" high. Maximum distance between support posts on handrails is 8 feet. Vertical posts can be used in place of mid-rails if they are 12 inches or less apart.

T. Safety reflectors. Owners of new, reassigned or reissued boat dock facilities are required to supply, install and maintain at least four, three inch diameter orange reflectors. These reflectors are to be placed on each side of the front corners of the dock, visible at night to vessel spotlights. Reflectors must be replaced when they become missing or damaged beyond their effectiveness.

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Portland District

EXHIBIT VI

Boat/PWC Hoist Certification
Dexter Lake

I hereby certify that the dock structure illustrated in the permit application submitted by

_____ permit number _____,
Name of permittee (If issued)

is designed to support the weight of a boat lifted by means of a hoist attached to the structure.

Maximum weight of the supported boat is not to exceed _____ pounds.

_____ _____
Name of licensed Professional Engineer Signature of licensed Professional Engineer

_____
Street Address

_____
City State Zip code

_____
Area code and Telephone number

_____ _____
Registration number State of issue

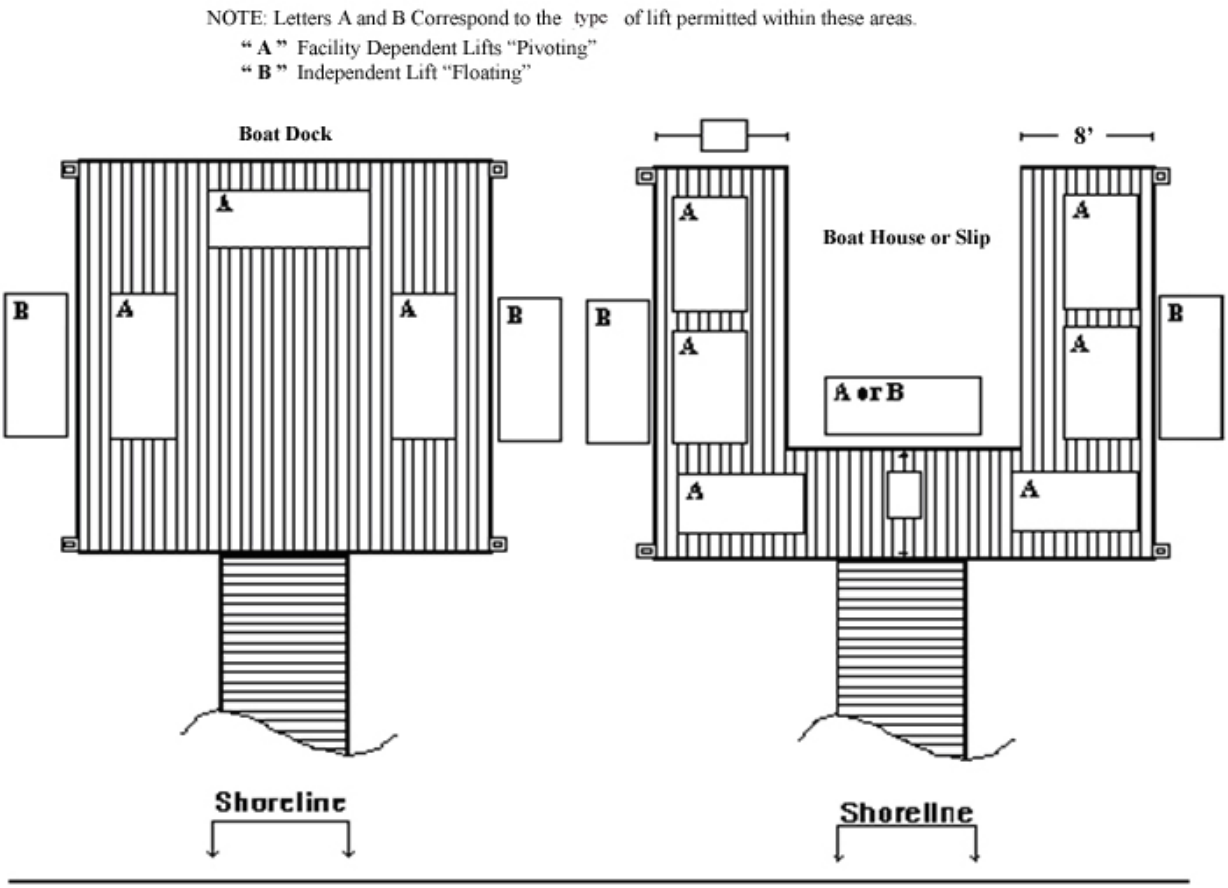
Date

_____
Month - Day - Year

Boat Hoist Requirements

Regulatory guidance allows two options for permitting boat hoists. The first requires a hoist be able to lift its load independently without additional stress to the dock structure. The second allows a licensed professional engineer to document that the dock structure and hoist mechanism are specifically designed to support the additional weight of the specific watercraft to be lifted.

PERSONAL WATERCRAFT LIFTS
EXHIBIT VI (continued)



*** Please read regulations below. Mark the location of the personal watercraft lift(s) with an "X" in one or two boxes above.**
*** All lift locations must be approved before installation begins.**

Regulations

FACILITY DEPENDENT type lifts will be permitted provided there is an increase in flotation and/or additional support with enough deck space for safe access around the lift(s). This type of lift is one that uses the dock for support to lift the personal watercraft out of the water and pivot it onto the dock facilities decking for dry storage.

Lifts that are dependent upon a facility's flotation/construction for support can be permitted on:
a. Boat dock facilities, provided it does not pose an access problem or safety hazard.
b. Finger walkways of slip docks, provided the finger walkway is a minimum of 8 ft. wide.
c. Within a boat slip, where it can be suspended over the water.

INDEPENDENTLY FLOATING type lifts are connected to the floating facility but are not dependent upon the structures flotation, and do not pivot the PWC onto the structure for dry storage.

Lifts cannot be connected to the access walkway and must not interfere with the dock facility's original purpose.

Any personal watercraft lift that requires electrical power for operation must obtain a permit for the electric line and installed according to Exhibit VII.

Certification must be provided by a licensed professional engineer that the structure of the facility has been specifically designed to support additional weight of the specific lift load.

CONCEPTUALLY APPROVED
for
U.S. Army Corps of Engineers, Portland District

BY: _____
DATE: _____

NOTICE: This approval stamp DOES NOT certify an engineering review. The builder should rely on professional engineering services to certify that the design is suitable for intended purposes and meets minimum standards including those related to the safety of the users.

I will construct this facility according to this plan.

Name: _____

Subdivision: _____

Lot No.:_____

US Army Corps of Engineers ®
Portland District

EXHIBIT VII Electrical Service Requirements

Requirements for electrical facilities on government fee and easement lands and/or waters:

1. All installations and materials must comply with the Electrical Safety Code (NESC), NEC, USCG and Corps regulations National Electric Code, (N.E.C.), and/or Marinas and Boatyards and Wet Locations. Our requirements may exceed the N.E.C.

2. A weatherproof breaker box must be located on private property, as near to the Corps fee or easement line as practical. The breaker box must be identified as weatherproof and must be mounted on a pressure treated post not less than five (5) feet high and anchored in the ground 24 inches. The box must contain a ground fault breaker which will protect the entire electrical system on project land or waters and must be properly grounded using an eight (8) foot (minimum) ground rod driven into the ground two (2) feet from the post. Wiring entering and leaving the box must be in conduit.

3. Wiring leaving the box and installed underground must be direct burial type wire. UF type wire with a bare ground will be approved from the breaker box to the junction box on the permanent walkway. The distance of the run and load will determine the wire size. This wiring must be buried a minimum of two (2) feet below the surface with warning tape buried one (1) foot below the surface. UF and USE type wire are approved for direct burial without conduit. THW or equal stranded wire may be used for the entire installation provided that it is color coded black for hot, white for neutral, and green for ground and installed underground in electrical conduit. Aluminum wire is not approved.

4. All above-ground wiring must be in approved water tight electrical conduit with proper connections. Non-metallic rigid electrical conduit or metallic rigid threaded type conduit may be used. Conduit which leads to receptacles or switches must be supported by pressure treated wood posts with sufficient clamps installed to prevent movement. Flexible conduit must be used at all moveable joints. PVC waterpipe is not allowed to be used in lieu of electrical conduit.

5. All excess openings in receptacle boxes, junction boxes, lighting fixture boxes or any other fixture must be plugged with a threaded plug and sealed with a waterproof sealant to insure that they are watertight. The number of lights approaching a floating facility will be determined by the minimum number necessary to access the facility safely.

6. All switches must be installed in waterproof boxes and be mounted at least three (3) feet above the land or normal water surface. Switch covers must be rated for “Wet locations when cover is closed.”

7. Receptacle covers which are rated as approved for "Wet locations when cover closed" may be used if properly installed and if used only for temporary hookup. They will not be allowed for hookups which are left unattended or that could be rained upon. Receptacle covers which are subjected to rain or will be left unattended must be approved for "Wet locations when cover is open and outlet is in use." All receptacles must be mounted at least three (3) feet above the land or normal water surface.

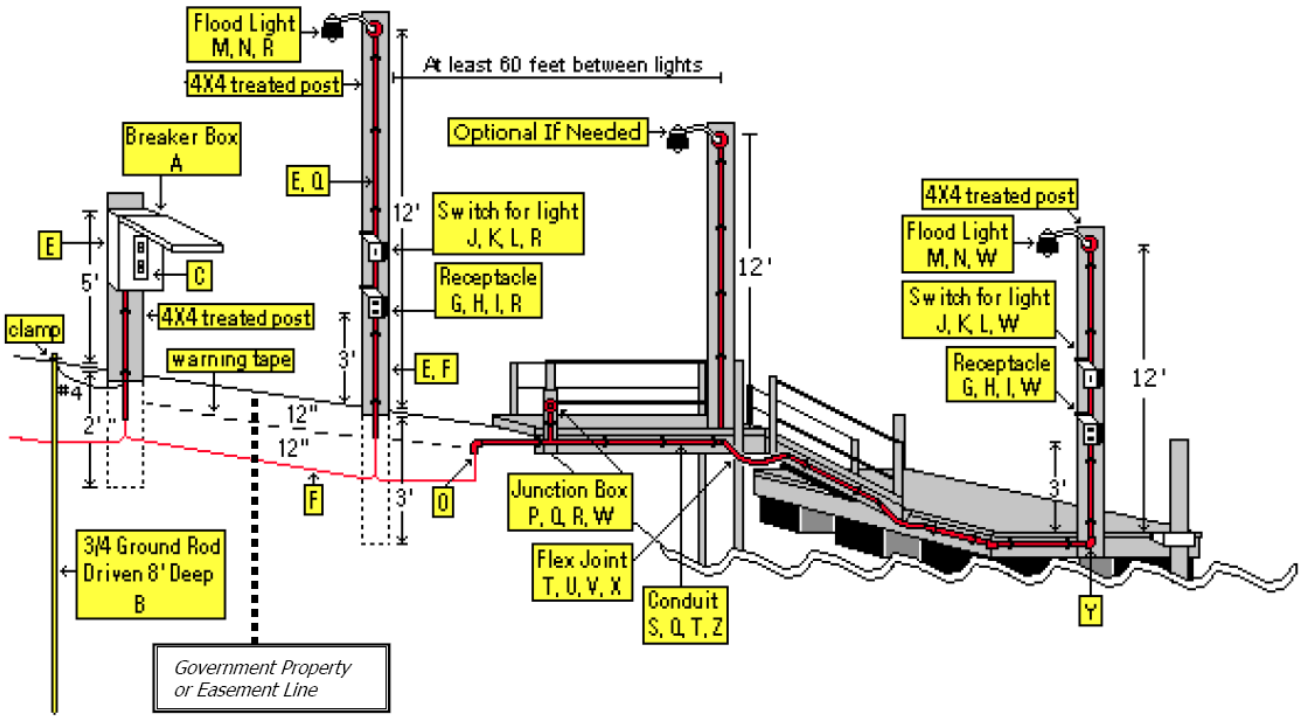
8. When the UF wire reaches the walkway to the boathouse or boat dock, a junction box must be installed and THW stranded wiring spliced to the UF conductors with wire nuts. The THW wire must be color coded black (hot), white (neutral), and green (ground). The UF cable must be- in conduit prior to entering the junction box. The TIN wire must be in conduit with flexible conduit being installed at each hinged or moveable joint in the walkway.

9. The THW wire must be properly wired with polarity checked. The green (ground) wire must be connected to the ground terminal of all receptacles and also to the ground LUG inside the receptacle box and/or lighting fixture box. In addition, when metal poles are grandfathered for lighting fixtures, the pole must be grounded using the same green wire. The metal light pole should not be directly connected to the water. When metal framing is used on the dock superstructure, the framing must also be grounded. This will insure continuity of the ground. The ground wire must run continuous back to the breaker box which protects the entire system.

10. Only treated wood poles, for light fixtures, will be allowed for new installations. Lights on wood poles mounted on docks, or dock walkways will be limited to 15feet in height.

11. The electrical system must be certified by a State Licensed Electrician upon initial installation, upon permit renewals, change of ownership, or at which time an existing system has been modified, tampered with, or damaged in any way.

ELECTRICAL PLAN



I certify that this electric system as installed complies with specified corps of engineers requirements and the n.e.c. For wet locations & marinas

_____

State Licensed Electrician's Name

_____

State Licensed Electrician's Signature Date

All Material Must Comply With National Electric Code For Wet Locations. Permittees need to make a list as shown below of all the items used to construct the electrical facility.

Item	Quantity	Item
A	1	Breaker Box
B	1	8’ Galvanized pipe, 3/4”
C	1	Ground Fault Breaker, 20 amp
E		3/4” PVC Sch. 40 Electrical Conduit
F		UF or USE Underground wire, 12/2 WG or larger
G	2	Receptacle
H	2	Receptacle Box, Wet Location
I	2	Receptacle Box Cover, Wet Location
J	2	Switch W 6 Adapters, PVC (use with flex)
K	1	Receptacle Box, Wet Location
L	2	Switch Cover, Wet Location
M	2	Lamp w/Holder, Wet Location
N	2	Junction Box w/Cover, Wet Location
O	1	LB, 3/4” PVC 90 degree, Sch. 40 Conduit
P	1	Junction Box w/Cover, Wet Location
Q	10	Strap 3/4” 2-hole PVC (every 2’)
R	7	3/4” PVC Adapter
S		Elec. Conduit PVC Sch. 40
T		Wire, Stranded THW, Black, 12 AWG or Larger
U		Wire, Stranded THW, Black, 12 AWG or Larger
V		Wire, Stranded THW, Black, 12 AWG or Larger
X	4	Female adapters, PVC (use with flex)
Y	2	LB 90 degree PVC Sch. 40
Z	6	Compiling, PVC Sch. 40

PVC Cement, 1 pint PVC Cleaner

CONCEPTUALLY APPROVED
for
U.S. Army Corps of Engineers, Portland District

BY: _____
DATE: _____

NOTICE: This approval stamp DOES NOT certify an engineering review. The builder should rely on professional engineering services to certify that the design is suitable for intended purposes and meets minimum standards including those related to the safety of the users.

US Army Corps of Engineers ®
Portland District

EXHIBIT VIII Approved Planting List

Native Shrubs

Common Name	Scientific Name
Deciduous shrubs	
Vine Maple	*Acer circinatum*
Serviceberry	*Amelanchier alnifolia*
Red-twig Dogwood	*Cornus stolonifera*
Western Hazel	*Corylus cornuta*
Oceanspray	*Holodiscus discolor*
Indian-plum	*Oemleria cerasiformis*
Mock Orange	*Philadelphus lewisii*
Nine-bark	*Physocarpus capitatus*
Red-flowering Currant	*Ribes sanguineum*
Nootka Rose	*Rosa nutkana*
Thimbleberry	*Rubus parviflorus*
Salmonberry	*Rubus spectabilis*
Red Elderberry	*Sambucus racemosa*
Douglas Spirea	*Spirea douglasii*
Snowberry	*Symphoricarpus alba*
Evergreen shrubs	
Salal	*Gaultheria shallon*
Tall Oregon-grape	*Mahonia aquifolium*
Low Oregon-grape	*Mahonia nervosa*
Herbaceous plants	
Maiden Hair-fern	*Adiatum pedatum*
Tufted Hair-grass	*Deschampsia caespitosa*
Blue Wild Rye	*Elymus glaucus*
Oregon Oxalis	*Oxalis oregano*
Sword Fern	*Polystichum munitum*
Flowering types:	
Pearly Everlasting	*Anaphalis margaritacea*
Red Columbine	*Aquilegia Formosa*
Goatsbeard	*Aruncus Sylvester*
Douglas Aster	*Aster subspicatus*
Western Bleeding-heart	*Dicentra Formosa*
California Poppy	*Eschscholzia californica*
Cow Parsnip	*Heracleum lanatum*
Blue Iris	*Iris tenax*
Tiger Lily	*Lilium columbianum*
Candy-flower	*Montia sibrica*
Buttercup Species	*Ranunculus spp.*
Checkermallow Species	*Sidalces spp.*
False Solomon's Seal	*Smilacina racemosa*
Star-flowered Solomon's Seal	*Smilacina stellata*
Fringecup	*Tellima grandiflora*
Sissile Trillium	*Trillium chloropetalum*

Native Trees

Common Name	Scientific Name
Softwoods	
Douglas-fir	*Pseudotsuga menziesii*
Incense-cedar	*Calocedrus decurrens*
Western Hemlock	*Tsuga heterophylla*
Western Red Cedar	*Thuja plicata*
Ponderosa Pine	*Pinus ponderosa*
Hardwoods	
Big Leaf Maple	*Acer macrophyllum*
Red Alder	*Alnus rubra*
Madrone	*Arbutus menziesii*
Chinquapin	*Castanopsis chrysophylla*
Pacific Dogwood	*Cornus nuttallii*
Oregon Ash	*Fraxinus latifolia*
Oregon Crabapple	*Malus fusca*
Cottonwood	*Populus trichocarpa*
Bitter Chokecherry	*Prunus emarginata*
Oregon White Oak	*Quercus garryana*
Cascara	*Rhamnus purshiana*
Scouler Willow	*Salix scouleriana*

US Army Corps of Engineers ®
Portland District

Exhibit IX Facility Inspection Checklist

Date:_____ **Permit Number:**_____

1. All facilities permitted for use must be operated, used and maintained in a safe and structurally sound condition at all times. Facility inspection of Shoreline Use Permits is required at the time of permit renewal, change of ownership or at the discretion of the Natural Resource Manager.
2. For the Permittee:
   - Completion of this form DOES NOT satisfy the electrical component of the inspection. Separate form "Exhibit VIII" must be completed and signed by a State Licensed Electrician to assure electrical components are in compliance.
3. If a deficiency is found during an inspection, the inspector will provide written notification to the permittee by mail. (See Section 17 for further information)

Satisfactory	Unsatisfactory	1. Floating Facilities
❑	❑	Dock Flotation requires replacement. (Section 13.9)
❑	❑	Structural support system requires repair. (Section 13.7)
❑	❑	Dock decking requires repair. (Section 13.7)
❑	❑	Walkways less than 4 ft. wide must have a handrail that is a minimum of 42 in. high with a double rail. (Section 13.10)
❑	❑	Dock requires housekeeping, remove trip hazards.
❑	❑	Improperly mounted water pump. (Section 14.5)
❑	❑	Water lines and water pumps must be attached to the dock. (Section 14.1)
❑	❑	Unauthorized boat hoist. (Section 13.13)
❑	❑	Dock/boat creates a navigation hazard and must be relocated.
❑	❑	Unauthorized dock/exceeds permitted size. (Section 13.5)
❑	❑	Dock ramp and walkways. (Section 13.10)
❑	❑	Anchorage (Section 13.8)
❑	❑	Unauthorized Items (Section 13.16 and 13.17)
❑	❑	Other (see Comments)

Comments:

Satisfactory	Unsatisfactory	2. Landbased Facilities
❑	❑	Electrical service fails NEC/CORPS requirements. (Section 14.1)
❑	❑	Use of extension cord as a service feeder is prohibited. (Sect. 14.1)

❑	❑	Discharge line not authorized on public property (includes rain gutter discharge lines). (Section 17)
❑	❑	All electrical lines must conform to Section 14.1
❑	❑	Other (see Comments)

Comments:

Satisfactory	**Unsatisfactory**	**3. Vegetation/Landforms**
❑	❑	Unauthorized limbing/cutting of vegetation. (Section 15.1)
❑	❑	Unauthorized removal of forest litter/leaves/humus. (Section 15.1)
❑	❑	Unauthorized burning. (Section 17)
❑	❑	Excessive erosion is occurring along the pathway due to improper installation of the path. (Section 15)
❑	❑	The planting or alteration of terrain on public property is unauthorized. (Section 17)

Comments:

Satisfactory	**Unsatisfactory**	**4. Minor Encroachments**
❑	❑	Remove all unauthorized/unpermitted personal property.
❑	❑	Remove all man-made debris/stored items from public land.

Comments:

Satisfactory	**Unsatisfactory**	**6. General Overall Condition**
❑	❑	Overall condition.

Comments:

I certify facilities have been inspected: _____ _____

Inspector's Signature Date

_____

Inspector's Name, Title (Print)