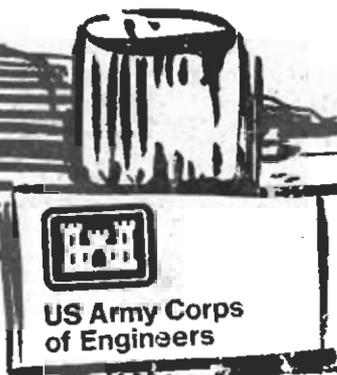


LAKESHORE MANAGEMENT FEE STUDY



June-december 1986

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LAKESHORE MANAGEMENT FEE STUDY
EXECUTIVE SUMMARY

INTRODUCTION

The increased cost of administering the Lakeshore Management Program and the nominal fees for permits, which have remained unchanged since 1974, have been identified as significant issues. To address these issues, a study was conducted to re-evaluate fees charged for private exclusive lakeshore use permits and to assess the impact of these charges on the public, the permittee and the Federal Government. The purpose of the study is to; (1) estimate the annual administrative cost, including overhead, for issuing private lakeshore use permits under the Lakeshore Management Program and (2) to establish a value of the activity to the permittee based on information obtained from various sources.

While many sources of information were reviewed, the Corps Natural Resource Management System (NRMS) was the primary source of data used to identify where lakeshore use permits existed. Other public agencies and private entities were surveyed to determine if they allowed such private facilities or activities and the basis each used when establishing fees. On-site project reviews and interviews of Corps managers were conducted to assist in identification of potential problems and to assess impacts of any fee increases. A questionnaire was developed and sent to all Corps projects where lakeshore use permits are issued. The questionnaire gathered information on permit status, types of activities permitted, administrative actions required, costs, revenues and fees at commercial facilities. The Corps' Waterways Experiment Station in Vicksburg, Mississippi, assimilated data and acted in a resource support capacity.

FINDINGS

No defensible data were available from other public agencies or private entities for use in determining fees. Lakeshore use permits are being issued at 100 Corps projects. There are currently 38,523 lakeshore use permits with an average term of 3.81 years. The current annual revenue from lakeshore use permits is \$244,558 and the total annual cost of administering the program is approximately \$3,600,000. Average fees for various categories of moorage at commercial marinas on Corps projects were also obtained.

ALTERNATIVES

The following alternatives for lakeshore use permit fees were examined.

- a. Continue the current fee of \$30 for a five year permit.
- b. Increase fees to recover all administrative costs which would result in a fee of \$480.00 for a five year permit.
- c. Increase fees to recover essentially all administrative costs.
- d. Charge only a fair market value fee.
- e. Increase fees to recover all administrative costs based on a fair market value fee.

CONCLUSIONS

- a. Current revenues from lakeshore use permits are not sufficient to recover the cost of administering the program.
- b. Information obtained in response to the questionnaire and from the NRMS, were the most appropriate sources of data available for use in establishing fees.
- c. Fees should be increased to essentially cover the cost of administering the program.
- d. Fee increases should be defensible and equitable.
- e. If a fair market value to the permittee is established, it should be based on a reasonable proxy to the fees at commercial marinas for floating facilities of similar size.
- f. A staggered phase-in of the program would best be accomplished by assessing new fees upon the expiration of existing permits.

RECOMMENDATIONS

- a. Fees for all floating facilities should be \$480 for a five year permit. Fees for vegetation modification should be \$240 for a five year permit. Sixty percent of the cost would be first year cost for permit issuance and 40% for subsequent inspections. (Alternative c).
- b. Fees for permit modifications that provide for any horizontal expansion to facilities/activities or increase the number of facilities/activities, should be assessed an additional 50% of the total permit fee. (Alternative c).
- c. Fees should be increased upon expiration of existing permits or when issuing new permits.
- d. No fees should be assessed based on fair market value. (Alternatives d and e).

LAKESHORE MANAGEMENT FEE STUDY
COMMITTEE REPORT
DECEMBER 1986

A. INTRODUCTION

This report discusses current efforts to re-evaluate fees for private exclusive lakeshore use permits and the impact of these charges on the permittee, the public and the federal government. The report also outlines the rationale for establishing a fee schedule to recover all administrative costs, determine a value to the permittee and discusses procedures for collection of these fees.

B. BACKGROUND

In 1969, nationwide guidance was issued which addressed the authority for certain private floating recreation facilities on Civil Works projects. This guidance stressed securing maximum storage of boats and related equipment at commercial concessions and established conditions for issuance of lakeshore use permits without a fee.

In 1974, Corps of Engineers guidance was extended to include minor land and vegetation modification activities. This policy required Lakeshore Management Plans for projects with existing private lakeshore use permits, continued to encourage moorage at commercial marinas and encouraged the use of community docks. In addition to re-establishing guidelines for issuing permits, the regulation also required a fee of \$10 for initial issuance of a permit and \$5 per year, thereafter, for inspections.

The fee for private exclusive lakeshore use permits did not meet the Office of Management and Budget (OMB) objective of recovering administrative costs associated with granting such special privileges.

C. PURPOSE

The purpose of this study is to estimate annual administrative costs, including an appropriate share of overhead, for issuing private lakeshore use permits under the Lakeshore Management Program as identified in ER 1130-2-406 (Appendix A) and to estimate a value of the facility/activity to the permittee.

D. OBJECTIVE

The objective is to develop a lakeshore management fee schedule that recovers total administrative costs, overhead costs, and establish the value of the permitted facilities/activities to the permittee. The study scope of work is included in Appendix B.

E. DEFINITIONS

1. Administrative Cost - Cost to the government of managing the lakeshore use permit program.

2. Community Dock - A private boat usually having more than one slip authorized for use by more than one person or family for which only one permit is issued.

3. Consolidated Permit - A single lakeshore use permit which covers more than one land and/or water-based facility and/or activity.

4. Duck Blind - A temporary camouflaged structure used while hunting waterfowl on public land and water.

5. Erosion Control Structure - A structure or material used to control shoreline erosion on public land.

6. Float - A small floating platform typically used for swimming or sunbathing.

7. Foot Path - A minimally improved pedestrian access path leading from private property that follows a meandering route, prevents erosion and avoids the need for tree removal on public land. These paths normally do not exceed four feet in width.

8. Land-based Facility/Activity - A facility/activity located in public land that is permitted under the Lakeshore Management Program.

9. Mooring Buoy - A floating buoy used for mooring a boat.

10. Mooring Post - A post located on shore to which a boat can be moored.

11. Mowing - Maintenance of vegetative materials accomplished by routine cutting on public land normally with motorized or power equipment.

12. Permitted Facilities/Activities - Facilities or activities permitted through the lakeshore use permit process. These facilities/activities include private water-based facilities and certain private land-based facilities and activities. Permitted facilities/activities do not include activities or facilities granted through easement statutes by the Real Estate licensing program. In divisions where the Resource Manager is authorized to administer these real estate instruments they are included with the lakeshore use permit, but fees are charged separately. Also, permitted facilities/activities do not include those authorized under Section 10 of the Rivers & Harbor Act of 1999 (33 U.S.C. 403) and Section 404 of the Clean Waters Act (33 U.S.C. 1344).

13. Plantings/Landscaping - Modification of public lands through placement of additional vegetative or decorative materials.

14. Region - A project or group of projects in near proximity to one another as identified by the district in which the projects are located.

15. Single-owner Dock - An individually owned private boat dock.
16. Ski Course - An area marked on the water with buoys between which water skiers maneuver.
17. Ski Jump - A structure from which water skiers jump.
18. Underbrushing - Cutting and control of vegetative growth on public land.
19. Value Fee - A fee based on the commercial value of a lakeshore use activity or facility.
20. Vegetation Modification - Alteration of vegetation on public land.
21. Water-based Facility - A facility located on the water that is permitted under the Lakeshore Management Plan.

F. STUDY PROCEDURES

1. The Committee

A committee was established in June 1986 consisting of representatives from divisions where significant lakeshore management activities and facilities are permitted. Committee members included persons from the MQUACE, Division, District and Project levels. A list of Committee members is included as Appendix C.

2. Review of Existing Data

Existing data were reviewed to determine at which projects lakeshore use permits are issued and how many floating and land-based permits were managed at each project. The Natural Resource Management System (NRMS) was the primary data source.

3. Questionnaire

A questionnaire was sent to Resource Managers at the 100 projects identified in the NRMS where lakeshore use permits are issued. The questionnaire was designed so that responses could be used to estimate current administrative costs. It also established a consistent basis for determining a value to the permittee for the various permitted activities and facilities. One hundred percent of the questionnaires were returned and the data were computerized for analysis. A copy of the questionnaire and a list of projects surveyed are included as Appendix D.

4. On-Site Reviews & Interviews

Three on-site reviews and interview sessions were conducted during the study. The committee met in Atlanta, Georgia, Beaver Lake, Arkansas and Lake Sakakawea, North Dakota. Project and district office personnel from the South Atlantic and Southwestern Division were interviewed concerning the lakeshore permit fee study. Throughout the study, each committee member solicited input and feedback from his respective division.

5. Public Agency & Private Entity Fees for Similar Facilities & Activities

Several public agencies and numerous private entities were surveyed to determine what basis each used in establishing fees for similar facilities and activities. The only information available concerned fees charged for floating facilities. No other agencies or private entities charge fees for the types of facilities and activities at Corps projects.

A variety of fee establishing methods exist. Some public agencies and private entities assess a one-time initial fee, some an annual fee, and others an annual fee based on square footage of the dock or a combination on an annual fee up to a certain size and then assess an additional fee based on square feet. Most assess fees only to partially recover administrative costs associated with authorizing the facility.

After reviewing the input from the public agencies and private entities, the committee concluded that there was no uniform method or basis for establishing fees that could be applied to Corps projects. However, the majority of fees were related to a square foot or size basis.

Fees charged for boat moorage at all commercial concession marinas, located on projects where lakeshore use permits are issued, were included as part of the questionnaire.

Appendix E contains a list of public agencies and private entities that were surveyed for information.

6. Field Review of Draft Fee Study Report

Copies of the Draft Fee Study Report were reviewed at each division, district and project where lakeshore management programs are implemented. The comments received during this review have been incorporated, as appropriate, in this report. The review comments are included as Appendix F.

G. THE LAKESHORE MANAGEMENT PROGRAM

1. The Permitting Process

To establish a basis for determining administrative costs, a general chronology of events in the permit process was identified as follows:

- (a) Phone, letter or walk-in inquiry by a potential applicant.
- (b) Investigation - Records, files and maps are searched at the project office to determine the approximate location where the permit is requested and any special conditions that should be considered.
- (c) Schedule Appointment - for project personnel to meet on-site with the permit applicant.

(d) Meet on-site - At this meeting with the applicant, lakeshore designation is confirmed to insure the requested activity/facility can be approved. The site location and conditions are evaluated. Regulations are explained and the applicant is given a permit application.

(e) Receive and review the application, plans and specifications - Check or money order is received. Plans and application are reviewed.

(f) Letter to applicant - Letter is sent to applicant identifying additional information required, giving notice to proceed if the application information is complete, or the application is denied.

(g) Post inspection - When the facility/activity is completed by the applicant, it is inspected for compliance by project personnel. If not in compliance, changes are requested and a reinspection is scheduled.

(h) Approve and mail permit.

(i) Place permit tag on facility.

(j) Perform inspections - The facilities are activities are routinely inspected throughout the term of the permit.

(k) Renew/cancel/reissue permit.

2. Current Program Status

(a) Lakeshore use permits are issued at 100 projects. ⁹⁶

(b) Number of permits:

Floating facility permits ---	12,223
Land-based permits -----	8,701
Consolidated permits -----	17,599
Total -----	38,523

(c) List of permitted activities and facilities:

WATER-BASED

- single-owner dock
- community dock
- mooring buoy
- mooring post
- ski jump
- ski course
- swim float
- duck blind

LAND-BASED

- underbrushing
- mowing
- planting/landscaping
- foot path
- erosion control

(d) Average permit term - 4.29 years

(e) In an average year, 67% of all permits require some type of management or administrative action.

1990 figures

*50,807
cost 4,070,000
income 200K*

(f) Annual base labor -----	\$1,952,000
(g) Annual full time equivalency (FTE) ----	37.86
(h) Annual equipment cost -----	\$456,100
(i) Annual material and supplies -----	\$302,738
(j) Annual revenue -----	\$244,558

H. SIGNIFICANT ISSUES

During the study several significant issues were considered. Each is discussed and conclusions given below.

1. BASIS FOR PERMIT FEE

a. Base For Administrative and Overhead Costs

A questionnaire was mailed to all projects where lakeshore use permits are issued. Part of the questionnaire requested data that identified the Corps resources devoted to managing and administering the Lakeshore Management Program.

Guidelines were established to determine those items to be included as administrative costs. Administrative costs are costs directly related to managing and administering the Lakeshore Use Permit Program. These costs include labor, equipment, materials and supplies.

(1) Labor

Labor costs for managing and administering the Lakeshore Management Program are \$1,952,000 per year. This reflects the base labor cost devote directly to Lakeshore Management. Only direct costs are included in this amount. No overhead or effective (fringe benefit) rates are include in this amount. Park Rangers, Park Technicians, Clerk/typists, Secretaries, Resource Managers and Assistant Resource Managers are identified as performing work for the Lakeshore Permit Program. Base labor hourly rates were used to calculate the labor cost per year.

CONCLUSION: Labor costs should be included when determining the program administrative costs.

(2) Effective Rate

Effective Rate, sometimes called the fringe benefit rate, is a rate applied to base labor costs to account for Civil Service retirement and disability, health and life insurance, medicare, worker disability, unemployment, bonuses and awards. The effective rate differs in each district and ranges from 30% to 37%. Office of Management and Budget (OMB) has established a standard effective rate for all Federal agencies. This rate was established on August 16, 1985, for FY-86 labor costs at 35.85%. This rate is currently being revised by OMB. The current rate includes:

27.90% - Civil Service Retirement & Disability
4.70% - Health and Life Insurance
1.45% - Medicare
1.80% - Other (Worker disability, unemployment, bonuses and
awards, etc.)
35.85% - Total

CONCLUSION: The effective rate as identified by OMB should be applied to the base labor costs when determining the program administrative costs. This cost is \$699,722 per year.

(3) Overhead Rate

Overhead rate is a rate applied to base labor costs to account for continuing operation and maintenance costs of an office. It includes utility costs, and cost of efforts from support elements at the project, district and division offices. The overhead rate differs in each district. However, the average overhead rate for Operations Division at Civil Works projects is 10%.

CONCLUSION: A 10% overhead rate should be added to the base labor cost when determining the program administrative cost. This cost is \$195,200 per year.

(4) Equipment

The primary equipment used when performing lakeshore management activities are vehicles and boats. Vehicles are driven approximately 1,540,000 miles each year and boats are operated approximately 8,767 hours each year in the performance of lakeshore management activities and costs amount to \$456,100 per year.

CONCLUSION: Equipment costs should be included when determining program administrative costs.

(5) Materials & Supplies

The basic materials and supplies used in performing lakeshore management activities include film, permit tags, postage, and miscellaneous office supplies. These costs are \$302,738 each year.

CONCLUSION: Material & supply costs should be included when determining program administrative costs.

(6) Application Fee

An application fee is a fee charged when a person applies for a lakeshore use permit. This fee was considered since there are a significant number of applications made each year that are denied because of location or special site conditions. However, to

evaluate the application, a site visit and meeting with the applicant is often necessary. Since costs are incurred, the committee considered assessing an application fee to recover these costs.

CONCLUSION: A separate application fee should not be assessed, since these costs are already accounted for under the total program cost retrieved from the questionnaire. They are not defensible as a separate fee.

(7) Coordination Fee

Project personnel spend significant time coordinating with commercial developers and dock building contractors reviewing plans and providing guidance. A review was conducted to determine if a defensible method was available to assess a fee for such activities and to analyze the potential for public acceptance of such a charge.

CONCLUSION: It is beneficial to the government to have developers or contractors work with our project offices. This coordination and communication channel helps reduce potential problems, enhances consistent design of facilities and ensures compliance of facilities with the lakeshore management plans and regulations. Therefore, a separate coordination fee should not be assessed.

(8) Permit Modification Fee

Significant time is spent by project personnel modifying existing permits to allow changes to permitted facilities/activities or add additional facilities/activities to the permit. In an average year sixty-seven percent of all permits require some type of management or administrative action. Many of these actions involve permit modifications that provide for dock expansions, increasing the limits of vegetation modification, or adding to the number or types of activities. Permit modifications generally require the actions identified in The Permitting Process section, page 5, items G.1.(a) through G.1.(g) to again be performed.

CONCLUSION: To recover the cost of permit modifications and to provide incentive for well thought out and properly planned lakeshore management activities and facilities, a permit modification fee should be assessed. Any horizontal expansion to facilities/activities or increases in the number of facilities/activities should have an additional 50% of the total permit fee assessed. This additional 50% fee should not be assessed when a permit modification occurs in conjunction with renewal of an existing permit.

(9) Reinspection Fee

Significant time is spent reinspecting facilities and activities of "problem" permittees and permittees who perform unauthorized work. The Committee attempted to determine if there was a method upon which to assess a reinspection fee on these types of permits.

CONCLUSION: The cost of reinspection is already included in data received on questionnaires. Therefore, no fee should be assessed for reinspection of facilities.

(10) Reassignment Fee

Permits are not transferrable, however, when a permit holder sells or transfers property, the permit may be reassigned to the new property owner. A significant amount of time is spent reassigning permits. The committee considered a method of assessing a fee for reassignment.

CONCLUSION. These costs are considered to be included in the first year cost of issuing a permit. Therefore, a reassignment fee should not be assessed. Issuance of a permit to the new property owner is for an entirely new permit and all costs apply.

b. Computation of Administrative Costs

Administrative costs include base labor, effective rate, overhead rate, equipment, materials and supplies. No other factors are included in calculating the administrative cost. The formula used to calculate administrative costs is:

Base labor costs
+ effective rate costs (35.85% of base labor)
+ overhead rate costs (10% of base labor)
+ equipment costs
+ Materials and Supply costs
<hr/>
= Administrative costs

When actual costs are used in this calculation, the following results:

\$1,952,000 (base labor)
699,722 (effective rate)
195,200 (overhead)
456,100 (equipment)
+ 302,738 (materials and supplies)
<hr/>
\$3,605,760 (total annual administrative costs)

When the total administrative cost is divided by the number of Lakeshore use permits, a permit cost per year is established.

\$3,605,760 divided by 38,523 = \$93.60 per year

The average term of a permit is 4.29 years, rounded up to 5 years.

\$93.60 x 5 = \$468.00 (cost of permit for the average term of a permit 5 years.)

From data received on the questionnaire and the committee review of the permitting process it was established that first year costs account for 60% of the administrative cost. The remaining 40% of the cost is for inspection after the first year. Therefore, the following schedule is recommended for recovering administrative costs:

.60 x \$468.00 = \$280.80 - Rounded down to \$280.00 (1st Year)

.40 x \$468.00 = \$187.20 - Remaining term or \$46.80 per year - Rounded to \$50 per year

(1) Administrative Fee Schedule

Based on the above calculations, the following fee schedule will recover 100% of the administrative costs of the Lakeshore Management Program. Each permit, regardless of what activities and/or facilities are included on the permit, cost the same for permits with the same term. Permits issued for periods more than five years will be assessed a fee of \$50.00 for each additional year.

Term of Permit
(Years)

	1	2	3	4	5	Total
5 year permit	\$280.00	\$50.00	\$50.00	\$50.00	\$50.00	\$480.00
4 year permit	\$280.00	\$50.00	\$50.00	\$50.00		\$430.00
3 year permit	\$280.00	\$50.00	\$50.00			\$380.00
2 year permit	\$280.00	\$50.00				\$330.00
1 year permit	\$280.00					\$280.00

(2) Modified Administrative Fee Schedule

The scope of work for this study requires development of a fee schedule that is equitable to the permittee and the government. Further, the schedule should allow for consideration of regional differences. The consensus from the field review was that \$480 was excessive for a five-year permit issued for only vegetation modification.

Ninety-four and four-tenths percent (94.4%) of all permits include water-based facilities. Five and six-tenths percent (5.6%) of the permits are issued for vegetation modification only.

The modified administrative fee schedule, below, was developed in consideration of the concern of the vegetation modification fee. This fee schedule recovers 91% of the administrative costs.

Facility/Activity	Year					Total
	1	2	3	4	5	
Water-Based Facilities	\$280	\$50	\$50	\$50	\$50	\$480
Vegetation Modification	\$140	\$20	\$20	\$20	\$20	\$240
Erosion Control	0	0	0	0	0	0

c. Value Basis

(1) Other Public Agency and Private Entity Fees

As discussed in paragraph F.5. of this report, other public agencies and private entities were surveyed to determine if there was standard method for establishing a fee basis for various activities and facilities. This survey revealed that the only basis available was at our commercial marinas for boat dock slip rental. This is discussed as a separate issue in paragraph H.c.(8).

(2) Land Value

The committee researched the possibility of basing the permit fee on the increased private property value that is associated with issuance of a lakeshore use permit. Land values are subject to several variables, only one of which is the issuance of a permit. Office of Counsel indicates that fees, based on land value, assessed in permitting a facility would require compensation to the permit holder if the permit were terminated or cancelled. Determining land values, measuring the effects of dock permits against these values and maintaining data would be extremely costly and time consuming.

CONCLUSION: This method of establishing a permit fee was not considered viable or defensible and should not be used in establishing a basis for the permit fee.

(3) Social and Privilege Value

A certain amount of social and privilege values are attained by permit holders. They obtain a convenience and social status not afforded to non-permit holders. These social and privilege values are intangible, with no defensible means of establishing a basis from which to assess a fee. In addition, certain values are reduced or offset when compared to commercial rates, because of capital development, maintenance and security costs.

CONCLUSION: There is no defensible basis for establishing a social or privilege value and it should not be considered when establishing a permit fee.

(4) Local Tax Assessment Value

Some counties assess personal property tax, of which privately owned boat docks are included. The committee reviewed the possibility of basing a permit fee on this tax assessment value. Upon reviewing the possibilities, it was found that there is no consistency from county to county and state to state in assessing a tax value.

CONCLUSION: Because no consistent defensible basis could be identified, the local tax assessment rates should not be considered when determining the permit fee.

(5) Loss to the Public Value

There is a certain loss to the public when continuing private exclusive use facilities and activities are allowed to be placed on public land. Uninhibited public access along the shoreline is negatively affected. Fish and wildlife habitat losses to some degree are experienced. The committee explored the possibility of relating the permit fee to this loss to the public.

CONCLUSION: There is no reasonable and defensible means available to measure access and ecological loss. Therefore, this value should not be used to establish a basis for the permit fee.

(6) Willingness to Pay Value

Although willingness to pay could be established, it would require an in-depth study of adjacent property owners to determine what these rates are. Moorage cost at marinas is the only information available to measure willingness to pay and this is valid only when the marinas are full.

CONCLUSION: Willingness to pay should not be considered in determining the permit fee because of the time and expense necessary to conduct the surveys and establish and maintain a reliable data base.

(7) Land-Based Activities

There are no historical data or defensible means from which to establish a permit fee based on value for land-based activities.

CONCLUSION: Only the administrative fee identified in the modified administrative fee schedule on page 12 should be assessed.

(8) Options for Assessing Permit Fees Based on Value

There are five viable options for determining a base from which to establish values for floating facilities:

- (a) By the facility.
- (b) By the slip.
- (c) By the exact square feet (outside dimensions of a floating facility, excluding walkways to the facility).
- (d) By a range of square feet - measured as in item (c), above. These ranges are listed below with the current number of facilities permitted identified in parenthesis.
 - Less than 200 square feet (12,399)
 - 201 to 500 square feet (5,767)
 - 501 to 700 square feet (6,921)
 - 701 to 1,000 square feet (2,595)
 - Greater than 1,000 square feet (1,154)
- (e) By the average fees charged by commercial marinas for slip rental comparable to the size ranges listed in item (d).

The most equitable and flexible base from which to establish values is by a range of square feet or by using the average fees charged by commercial marinas, as identified in options (d) and (e) above.

Several options are available for establishing the value of a permit if ranges of square feet and/or the fees charged by commercial marinas for comparable facilities are used as a base. Some of these options allow for establishing a fee schedule that recovers the Corps administrative cost plus assesses an additional fee based on value. Other options are based on value related to the size of the facility and are formulated to recover only administrative costs. Each of these options and their associated fee schedule are presented below.

1. Permit Fees Based on the Average Fee Charged by Commercial Marinas

Data gathered on the questionnaire identified the range of charges at commercial marinas for various moorage sizes at Corps projects where lakeshore use permits are issued. An average commercial rate for the various sizes of moorage facilities at each project was established. By reviewing each project separately or in regional groups, the rates charged by commercial marinas take into account local factors such as length of the boating season, supply, demand and willingness of the public to pay. The average fee charged by commercial marinas for various sizes of boat dock slips is then used to determine the fee each project will assess for each size category of floating facility. This will regionalize fees based on local conditions.

Fees collected under this option will recover more than 100% of the administrative costs.

Example: A permit with a 5 year term for a 16'x20' (320 sq. ft.) floating facility is issued. The average marina rate at this project for mooring a boat that fits into a 20' slip is \$500.00 per year, or \$2,500.00 for 5 years.

The fee schedule for this 5 year permit is:

YEAR					
<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>Total</u>
\$500-----	\$500-----	\$500-----	\$500-----	\$500-----	\$2,500

2. Permit Fees Based on Percentage Increases Between Size Range Categories at Commercial Marinas

Data gathered on the questionnaire identified the percentage increases in fees at commercial marinas associated with increases in boat slip size. Through data gathered by telephone survey, the number of permitted facilities in each size range category was identified. From these data we are able to apply the same average percentage increases charged at commercial marinas to permit fees for floating facilities of comparable size. Using 100% recovery of administrative costs as the objective, a base is established from which these percentage increases are applied to establish the following fee schedule.

	YEAR					<u>Total</u>
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	
- Water-Based Facilities						
* Less Than Sq. Ft.-----	\$270	\$45	\$45	\$45	\$45	\$450
* 201-500 Sq. Ft.-----	\$310	\$50	\$50	\$50	\$50	\$510
* 501-700 Sq. Ft.-----	\$375	\$65	\$65	\$65	\$65	\$635
* 701-1000 Sq. Ft.-----	\$480	\$80	\$80	\$80	\$80	\$800
* Greater than 1000 Sq. Ft.	\$585	\$100	\$100	\$100	\$100	\$985
-Land-Based Activities-----	\$120	\$20	\$20	\$20	\$20	\$200
- Erosion Control-----	0	0	0	0	0	0

3. Permit Fees Based on Recovery of Administrative Cost by Assigning Fees For Each Size of Floating Facility

From data gathered by telephone survey, the number of floating facilities in each size range was established. To recover administrative costs, a base fee is established from which incremental increases in permit fees are assigned for each size range of floating facility. The resulting fee schedule recovers 100% of the administrative costs.

YEAR

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>Total</u>
- Water-Based Facilities						
* Less than 200 Sq. Ft.---	\$210	\$35	\$35	\$35	\$35	\$350
* 201-500 Sq. Ft.-----	\$290	\$50	\$50	\$50	\$50	\$490
* 501-700 Sq. Ft.-----	\$425	\$70	\$70	\$70	\$70	\$705
* 701-1000 Sq. Ft.-----	\$565	\$95	\$95	\$95	\$95	\$945
* Greater than 1000 Sq. Ft.-----	\$915	\$915	\$915	\$915	\$915	\$1515
- Land-Based Activities---\$120--\$20--\$20--\$20--\$20----\$200						
- Erosion Control-----0-----0-----0-----0-----0-----0						

d. Recommendation on Permit Fees

The Committee recommends that the modified administrative fee schedule on page 11 be implemented. Implementation of this fee schedule will recover 91% of the administrative costs of the Lakeshore Management Program. This fee schedule satisfies the concerns raised on the vegetation modification fee. The schedule is defensible and fair. Each permittee will pay for only the government effort devoted directly to administration of his/her permit. Implementation of this schedule provides for the least amount of adverse public reaction compared to other schedule options.

The fee schedules based on value are not equitable to all permittees. These schedules require some permittees to bear the cost of administering permits other than their own.

The governments cost to administer a permit for a 10'x20' floating facility is the same as for a permit for 20'x40' floating facility. A fee schedule based on the size of a floating facility cannot be defended.

2. GOLDEN AGE/ACCESS DISCOUNT

The committee considered allowing discounts to older or handicapped individuals who currently qualify for discounted use fees at federally operated recreation areas. Since the Golden Age and Access discounts apply only to entrance and use fees, these discounts do not apply to fees for lakeshore use permits. The public relations benefits to be derived from such a discount were carefully considered. An increase in fraudulent applications would likely occur in order to receive a discounted rate. The Corps administrative costs would increase.

CONCLUSION: The Public Laws establishing the Golden Age and Golden Access Programs are not applicable to this type of fee and we can expect an increased potential for fraudulent applications. No discounts should be provided under the Golden Age/Access Program.

3. REFUNDS

Refunds for unused portions of permits will become a concern to permit holders. Although refunds will increase administrative costs, to be fair and equitable, the Corps should make provisions for refunds. The committee reviewed several options on providing refunds such as quarter, by month, by year, and pro-rated by the day.

CONCLUSION: A refund should be provided when permits are terminated by the applicant before the term has expired. The refund formula needs to be clear, defensible, and equitable. Based on these criteria;

- (a) Refunds should be approved and pro-rated by the year, except that:
- (b) No refunds should be approved for first year costs,
- (c) No applications for refunds should be taken or approved during last calendar year of the permit.
- (d) Refunds should be made for the whole number of years remaining on the permit.

4. UP-FRONT PAYMENTS - DISCOUNTS

The committee considered allowing discounts on permit fees when the fee for the entire term of the permit is paid up-front. Up-front, one-time payments will reduce administrative costs. Payments made on an annual basis will increase administrative costs. If fees are paid on an annual basis significant effort will be required to collect fees. The committee conferred with Office of Counsel on this issue.

CONCLUSION: Up-front, one-time payment of permit fees should qualify for a discount, since administrative effort is reduced when compared to collecting fees on an annual basis. Therefore a ten percent discount should be applied to multi-year permits that are paid up-front for the entire term of the permit.

5. LATE FEES

The committee considered assessing a late fee for payments not received when due. Administrative costs to collect unpaid debts will increase if higher permit fees are assessed. The difficulty to collect fees will increase. The committee conferred with the Office of Counsel on this issue.

CONCLUSION: Late payment fees should be assessed on all permit payments not received within thirty days after the payment is due. Late fees should be prorated by the month to equal 10% of the amount due.

6. PHASING

Several phase-in options of the recommended fee schedule were considered. A basic premise of all options is that the new rates shall not apply to existing permittees until the expiration of their current permit, since an existing permit constitutes a written agreement between the permittee and the government.

OPTION 1 - Immediate implementation of the new fee schedule for new permits and phase-in existing permits as they expire and are renewed. Since some permits are issued for a five-year term, this option would result in a maximum of a five-year phase-in period before the new fee schedule is fully implemented.

OPTION 2 - Incremental Phase-In. A date is established for phasing in the new fees. For the first year of phase-in, 25% of the ultimate permit fee is assessed. During the second year 50%, third year 75% and fourth year 100%. This option increases administrative costs, extends the phase-in and is confusing.

OPTION 3 - Grace Period Phase-In. The public would be informed that in four years all lakeshore use permits will cost \$400 for a 5 year term permit. Until that time, permits would continue to be issued based on the current system. Permits that carry over after the date would be assessed the full value of the permit fee. For example, if a permit is issued 2 years prior to the targeted date, the permittee would pay the new fee for years 3, 4 and 5 for a five-year permit. This option would create an influx of requests for lakeshore use permits any may encourage unauthorized development.

CONCLUSION: Option 1 is the easiest to understand, administer and implement. This option allows a phase-in for existing permits and spreads the administrative workload over a five year period. It is also fair, equitable, and defensible.

7. COMMUNITY DOCKS

Several options were considered for developing a fee schedule for community docks.

OPTION 1 - Administrative fee only.

OPTION 2 - Administrative fee plus a 50% additional for each additional slip or moorage area.

OPTION 3 - Fee based on square footage.

CONCLUSION: Option 1 should be used for community docks if the modified administrative fee schedule is implemented. If a fee based on value is implemented, option 3 should be used.

8. FEES FOR EROSION CONTROL STRUCTURES

These facilities include rip-rapping, walls, gabions or other methods to stabilize the shoreline. These facilities are mutually beneficial to the permittee, the general public and the federal government. Erosion is minimized thus improving water quality, reducing siltation and encroachment on to private land.

CONCLUSION: Since there are numerous benefits received from these structures, no fee should be assessed. Permits should, however, be issued to provide a controlling mechanism.

9. FEES FOR TEMPORARY DUCK BLINDS

Duck blinds are temporary camouflaged structures used while hunting waterfowl. These structures are very temporary and only used during waterfowl hunting season. Many states require permits for duck blinds. Some charge a permit fee others simply issue a permit to licensed hunters at no fee.

CONCLUSION: Because of the temporary nature of these structures, short duration of use and since no site visit or inspection is required, no permit fee should be assessed.

I. OVERALL COMMITTEE RECOMMENDATIONS

1. No fees based on value should be addressed.
2. A permit modification fee should be assessed. Any horizontal expansion to facilities/activities or increases in the number of facilities/activities should have an additional 50% of the total permit fee assessed.
3. The fee schedule as presented in Appendix G be approved.
4. Discounts for upfront payments on multi-year permits should be provided.
5. Late fees should be assessed for late payment of permit fees.

J. ADDITIONAL COMMITTEE RECOMMENDATIONS

1. Collection of Fees - Frequency of collection should be left up to each district. However, the committee recommends that permit fees be collected up-front for the term of the permit. This will reduce administrative costs and provide discounts for permittees.

2. Public Relations - Prior to implementing the recommended fee schedule, a strong public relations campaign at all C.O.E. must be established to congressional representatives, permit holders and members of the general public have a clear understanding of the fees and their purpose.

3. Real Estate License Fees - Prior to implementing the recommended lakeshore fee schedule, Real Estate elements should evaluate and revise, if necessary, the fees associated with land-based license fees granted through easement statutes by Real Estate Division. This will provide for a one-time increase in fees.

4. Cost Accounting & Tracking System - To establish and maintain records on administrative costs for managing the lakeshore management program, a specific work code should be established with the COEMIS finance and accounting system. This will allow for easier revision of the administrative fee as administrative costs change.

5. Revision of Fees - The administrative costs to manage the lakeshore management program should be reviewed via the method described above every five years and revised as necessary.

6. Permit Consolidation - Lakeshore use permits should be consolidated as soon as possible. This will streamline the permit process, reduce administrative costs, and reduce the cost to the permit holder.

7. Changes in Lakeshore Management Regulation - The following areas should be addressed in the revised regulation:

a. Maximum size of floating facilities and general standards of design should be established.

b. Maximum size of community docks should be addressed in consideration of competition to commercial marinas.

c. Existing fixed piers should be grandfathered.

d. Establish permit termination procedures when permit fees are not paid in a timely manner.

APPENDIX A

DAEN-CWO-R

DEPARTMENT OF THE ARMY
Office of the Chief of Engineers
Washington, D. C. 20314

ER 1130-2-406

Regulation
No. 1130-2-406

13 December 1974

Project Operation
LAKESHORE MANAGEMENT AT CIVIL WORKS PROJECTS

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Appendix A - Guidance for Granting Permits for Private Floating Recreation Facilities

Appendix B - Application for Lakeshore Use Permit

Appendix C - Lakeshore Use Permit Conditions

Appendix D - Permit (Sample)

This regulation supersedes ER 1130-2-333 dated 24 Feb 69

1. Purpose: The purpose of this regulation is to provide policy and guidance on the protection of desirable environmental characteristics of Civil Works lake projects and restoration of shorelines where degradation has occurred through private exclusive use.

2. Applicability. This regulation is applicable to all field operating agencies with Civil Works responsibilities. This regulation is not applicable to lake project lands when such application would result in an impingement upon existing Indian rights.

3. References.

- a. Section 4, 1944 Flood Control Act, as amended, P.L. 87-874.
- b. The Act of 31 August 1951 (31 USC 483a).
- c. The National Environmental Policy Act of 1969, P.L. 91-190.
- d. The Federal Water Pollution Control Act of 1972 (FWPCA).
- e. 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."
- f. Executive Order 11752.
- g. 33 CFR 209.120, "Permits for Work in Navigable Waters or Ocean Waters."

4. Policy.

a. It is the policy of the Chief of Engineers to manage and protect the shorelines of all lakes under its jurisdiction to properly establish and maintain acceptable fish and wildlife habitat, aesthetic quality and natural environmental conditions and to promote the safe and healthful use of these shorelines for recreational purposes by all of the American people. Ready access to and exit from these shorelines of the general public shall be provided in accordance with reference 3a. For projects where Corps real estate interest is limited to easement title only, management action will be appropriate to assure the safety of the public who use the lake waters. It is the objective of the Corps to manage private exclusive use of public property to the degree necessary to gain maximum benefits to the general public. Such action will consider all forms of benefits such as: recreation, aesthetics and fish and wildlife.

b. It is the policy of the Chief of Engineers that private exclusive use will not be permitted on new lakes or on lakes where no private facilities or uses exist as of the date of this regulation. Such use will be permitted only to honor any past commitments which have been made.

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c. A Lakeshore Management Plan, as described below, will be prepared for each Corps lake project where private recreation facilities exist as of the date of this regulation. Discretion will be used in preparation of those plans to provide for protection of public lands and private investments and honor any past commitments which might have been made. For projects where two or more agencies have jurisdiction, the plan will be cooperatively prepared with the Corps assuming the role of coordinator. Public participation will be encouraged to the fullest extent in preparation and implementation of the Lakeshore Management Plans. A Lakeshore Management Plan will not be required for new lakes or at completed projects where no private facilities exist as of the date of this regulation. However, a statement of policy will be furnished by the District Engineer to the Division Engineer to present the lake project management condition.

d. Boat owners will be encouraged to moor their boats at commercial marinas, utilize dry storage facilities off project lands or trailer their boats to public launching ramps which are provided by the Corps at no charge.

e. When private floating boat moorage facilities are desired, community mooring facilities will be encouraged in an effort to reduce the proliferation of individual facilities. It is the policy to issue only one permit for a community boat mooring facility with one person designated as the permittee and responsible for all moorage spaces of the facility. If, for extenuating circumstances, this approach is not feasible the District Engineer is authorized to grant individual permits for individual moorage sections of the community moorage facility. The latter method is strongly discouraged.

5. Lakeshore Management Plan.

a. General. The policies outlined in paragraph 4 will be implemented by preparation of Lakeshore Management Plans as described below.

b. Preparation. For each project having limited development areas a Lakeshore Management Plan will be prepared as Appendix F to the Master Plan. Lakeshore Management Plans will be prepared as soon as practicable and, like the other Appendixes to the Master Plan, will be working management tools. Upon announcement of initiation of each specific Lakeshore Management Plan the District Engineer will declare a moratorium on accepting applications for permits until the plan is completed. Consideration should be given to preparing Lakeshore Management Plans during the period of least recreation activity and maximum effort will be devoted to early completion of the Lakeshore Management Plan, once the effort has begun. The objectives are to be able to inform individuals of decisions regarding lakeshore management at an early date and not create an undue hardship on private industries dependent upon private recreation facilities. Approval of this Appendix rests with the Division Engineer.

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After approval, two copies of the Lakeshore Management Plan will be forwarded to HQDA (DAEN-CWO-R) WASH DC 20314.

c. Scope and Format. The Plan will consist of an area allocation map, related rules and regulations, a time-phase definitive objective plan for managing the lakeshore, descriptions of recreational waste management systems and sanitary facilities, and other information pertinent to the effective management of the lakeshore. Activities on land areas which affect the lakeshore, as well as activities on the water areas will be addressed in the Lakeshore Management Plan.

d. Lakeshore Allocation. As part of the Lakeshore Management Plan, the entire lakeshore of the project will be allocated within the allocation classification below and depicted on a map. In addition to the allocation classification described below, District Engineers are authorized to add specific constraints and identify areas having unique characteristics not identified herein.

(1) Limited Development Areas. Limited development areas are those areas where private exclusive use privileges and facilities may be permitted consistent with Appendix A and paragraph 8 of this section. When vegetation modification on these lands is accomplished by chemical means the program will be consistent with the current Federal regulations as to herbicide registration and application rates.

(2) Public Recreation Areas. On shorelines within or proximate to designated or developed recreation areas, private floating recreation facilities are not permitted. The extent of the term, proximate, will depend on the terrain, road system and similar factors. Commercial concessionaire facilities are permitted in these areas. An adequate buffer area within this allocation type will be established to protect the concession operation from invasion by private exclusive use facilities. Modification of land form or vegetative characteristics is not permitted by individuals in these areas.

(3) Protected Lakeshore Areas. Protected lakeshore areas are designated primarily to protect aesthetic, environmental, fish and wildlife values in accordance with the policies of the National Environmental Policy Act of 1969 (P.L. 91-190). Lakeshores may also be designated in this category for physical protection reasons, such as heavy siltation, rapid dewatering or exposure to high winds and currents. Land access and boating are permitted along these lakeshores, provided aesthetic, environmental and natural resource values are not damaged or destroyed, but no private floating recreation facilities may be moored in these areas. Modification of land form or vegetative communities by individuals in Protected Lakeshore Areas will be permitted only after due consideration of the effects of such action on environmental and physical characteristics of the area.

(4) Prohibited Access Areas. These lakeshore areas are allocated for protection of ecosystems or the physical safety of the recreation visitors; for example, unique fish spawning beds, certain hazardous locations, and areas located near dams or spillways. Mooring of private floating recreation facilities and modification of land form and vegetative communities are not permitted in these areas.

e. Public Participation. District Engineers will insure that the public participates to the maximum practicable extent in the formulation and preparation of Lakeshore Management Plans and any subsequent major revisions. When master plan updates and preparation of the Lakeshore Management Plans are concurrent, the public meetings should be combined and consider all aspects, including the lakeshore allocation classifications. Maximum use will be made of news releases, public notices, congressional liaison and public meetings to encourage full public participation. Special care will be taken to advise local citizen organizations, conservation organizations, Federal, State and local natural resource management agencies and other concerned bodies as well as adjacent land-owners during the formulation of Lakeshore Management Plans. Published notices shall be required on several successive weeks prior to public meetings to assure maximum public participation. Ample time shall be permitted for review and comment by concerned organizations and individuals. Public notices shall be issued by the District Engineer allowing a minimum of 30 days for receipt of public comment in regard to the proposed Lakeshore Management Plan or any major revision thereto.

6. Instruments for Private Exclusive Use. Criteria used to determine the type of instrument to be used for private exclusive use facilities or developments are as follows:

a. Lakeshore Use Permit. Lakeshore Use Permits are issued and enforced in accordance with provisions of Section 327.19, Chapter III, Title 36, Code of Federal Regulations, for private floating recreation facilities. Lakeshore Use Permits are issued for floating structures of any kind in waters of resource projects whether or not such waters are deemed navigable and where such waters are under the primary jurisdiction of the Secretary of the Army and under the management of a Corps of Engineers Resource Manager. On waters deemed non-navigable, Lakeshore Use Permits will be issued for non-floating structures when such waters are under management of a Corps Resource Manager. Lakeshore Use Permits are issued for vegetative modification activities on the land which do not involve in any way a disruption to or a change in land form. Situations which require a Real Estate instrument are covered in 6c, below.

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b. Department of the Army Permits. Activities such as dredging, construction of fixed structures, including fills and combination fixed-floating structures and the discharge of dredged or fill material in navigation waters will be permitted under conditions specified in permits issued under authority of Section 10, River and Harbor Act of 3 March 1899 (33 USC 403) and Section 404 of the Federal Water Pollution Control Act (33 USC 1344) in accordance with reference 3g. Lakeshore Use Permits, paragraph a above, will not be used under these circumstances.

c. Real Estate Instruments. All commercial development activities and all activities by individuals which are not covered above and involve grade, cuts, fills, other changes in land form or appropriate land-based support facilities required for private floating facilities will be covered by a lease, license or other legal grant issued by the Real Estate Directorate.

7. Transfer of Permits. All Lakeshore Use Permits are non-transferrable. Upon sale or other transfer of the permitted facility or the death of the permittee the permit is null and void. The voided permit site if located in a Limited Development Area may become available for permit application by all members of the public for issuance in an impartial manner if consistent with the Lakeshore Management Plan.

8. Existing Facilities Now Under Permit. The schedule for implementation of the Lakeshore Management Plan shall be developed in full consideration of existing permitted exclusive use facilities, their residual value and the prior Corps commitment implicit in the issuance of the permits. Except under unusual circumstances, such facilities should in general remain under permit until replacement is required, or until death of the permittee, or until sale or cessation of use of the facility by him. In the instance of multi-slip, multi-owner permits for private floating facilities and corporation-owned private floating facilities, the structure must be located in areas specifically allocated in the Lakeshore Management Plan. When existing floating facilities of this type are located in areas not approved for limited development under the lakeshore management plan, a grandfather rights provision will apply. Such provision will extend for the period of time that the facility will pass annual inspections without major repair by the permittee(s). At that time the floating facility will be removed or repaired and relocated to an approved location by the owner under a new permit.

9. Density of Development. The density of private floating recreation facilities will be established by the District Engineer for all portions of Limited Development Use Areas in the Lakeshore Management Plan. The densities will be consistent with ecological and aesthetic characteristics. In all cases, the density of development specified in the Lakeshore Management Plan will not be more than 50% of that shoreline allocated as Limited Development Areas. In those cases where current density of development exceeds the density level established in the Lakeshore Management Plan, the density will be reduced gradually to the prescribed level by employing such guidelines necessary to protect the integrity of the shoreline environment.

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10. Administration Charge. In accordance with the provisions of references 3a and 3b, a charge will be made for Lakeshore Use Permits to help defray expenses associated with issuance and administration of the permits. As permits become eligible for renewal after 1 July 1976 a charge of \$10 for each new permit and a \$5 annual fee for inspection of floating facilities will be made. There will be no annual inspection fee for permits for vegetative modification on lakeshore areas. In all cases the total administration charge will be collected initially at the time of permit issuance rather than on a piecemeal annual basis.

11. Compliance. Lakeshore Management Plans will be prepared for all applicable Corps of Engineers lakes at which private exclusive recreation uses exist. The plan should be submitted within three years after the date of this regulation.

FOR THE CHIEF OF ENGINEERS:



RUSSELL J. LAMP
Colonel, Corps of Engineers
Executive

4 Appendixes:

- APP A - Guidance for Granting Permits for Private Floating Rac Facilities
- APP B - Application for Lakeshore Use Permit
- APP C - Lakeshore Use Permit Conditions
- APP D - Permit (Sample)

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APPENDIX A

GUIDELINES FOR GRANTING PERMITS FOR
PRIVATE FLOATING RECREATION FACILITIES1. General.

a. Decisions regarding the granting of permits for private floating recreation facilities must be made in considered relationship to the operating objectives and physical characteristics of each project. In every case, however, the foremost objective is to secure maximum storage of boats and related equipment at commercial concession areas. Through direction of the boat-owning public to such areas, the Corps strives to minimize the number of shoreline developments which could prove aesthetically distracting, unreasonably injurious to the environment or limit use of Federal property by the general public.

b. Revocable permits for private exclusive use facilities either individually or community-owned, will be granted in Limited Development Areas when the sites are removed from commercial marine services and the granting of such permits will not despoil the shoreline nor inhibit the public use or enjoyment thereof. District Engineers will insure that private floating recreation facilities will be located in areas that do not presently enjoy reasonable access to commercial marine services and that, insofar as practicable, the installation and use of such facilities will not be in conflict with the preservation of the natural characteristics of the lake or shoreline. Resource Managers will continuously monitor the number and nature of permits with a view towards timely establishment of additional commercial storage areas in lieu of permitting dispersed private facilities. Administrative charges will be made for Lakeshore Use Permits in accordance with paragraph (j) of this regulation.

c. Revocable permits will be granted for ski jumps, floats, boat moorage facilities, all types of duck blinds, and other private floating recreation facilities, where such facilities will not inhibit the public use or enjoyment of the project waters or shoreline. At projects where ice fishing houses or duck blinds are regulated by State program, a Corps permit will not be required. Permits will not be granted for private floating recreation facilities at or proximate to existing or potential public recreation areas.

d. Private floating recreation facilities will be permitted only in areas of the lakeshore which have been allocated as Limited Development Areas in the Lakeshore Management Plan. The density of development in such areas will not exceed 50% of areas allocated to such use.

e. Community boat mooring facilities will be encouraged where practicable in an effort to reduce the proliferation of individual facilities.

2. Applications for Lakeshore Use Permits.

a. Applications for any private waterfront recreation facilities made to District Engineers or their designated Resource Managers will be reviewed with full consideration of the policies set forth in the previous paragraph, referenced regulations, and the Lakeshore Management Plan. Applicants for a permit shall, prior to the start of construction, submit for approval plans and specifications of the facility proposed, including; engineering details, structural design, anchorage method, construction materials, the type, size, location and ownership of the facility, the expected duration of the use and an indication of willingness to abide by the Rules and Regulations and the conditions of the permit. Specifications and plans which have been certified by a licensed Engineer will be approved. Permit applications shall also identify and locate land-based support facilities which may require a Real Estate instrument.

b. Permits will be issued by the District Engineer or his authorized representative in accordance with ENG Form 4264-R, Appendix B, for periods of 1 to 5 years, but are revocable by the District Engineer whenever he determines that the public interest requires such revocation or that the permittee has failed to comply with conditions of the permit or of this regulation. Permits for duck blinds and ice fishing houses will be issued for one year only. Specified acts permits will continue to be issued by the District Engineer as necessary, for short terms, to provide for corrective measures such as tree removal and erosion control.

c. Effective on the receipt of this regulation, the following will guide the issuance of this type of permit:

(1) The use of boat mooring facilities will be limited to the mooring of boats and the storage of gear essential to the operation of the watercraft.

(2) The installation of sleeping accommodations, cooking facilities, heating facilities, toilet and shower facilities, refrigeration, television and other items conducive to human habitation in private recreation facilities is prohibited. Private floating recreation facilities shall not be used for human habitation.

(3) No private floating facility will exceed the minimum size required to moor the owner's boat or boats plus the minimum size required for an inclosed locker for the storage of oars, life preservers and other items essential to the operation of the watercraft.

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(4) All private floating recreation facilities will be constructed in accordance with plans and specifications approved by the District Engineer, his authorized representative, or as certified by a licensed Engineer.

(5) The size of all structures will be kept to a minimum to limit encroachment of the water surface.

(6) The procedures set forth in this regulation regarding the issuance of permits for individual facilities shall also apply to the issuance of permits for non-commercial community piers.

(7) Where facilities are anchored to the shore, they shall be securely anchored by means of moorings which do not obstruct the free use of the shoreline or unduly damage vegetation.

(8) Boat mooring buoys and flotation units of floating facilities shall be constructed of material which will not become waterlogged or sink when punctured.

(9) The color and marking of all boat mooring buoys will conform to the Uniform State Waterway Marking System, and the top of the buoy will be no less than eighteen inches above the waterline.

(10) All private floating recreation facilities will be placed so as not to interfere with navigation.

(11) Permits for private boat piers or boathouses and mooring facilities will be issued only when the owner files a permanent address and telephone number with the Resource Manager at which he may be reached in case of emergency when he is not on site.

(12) The District Engineer or his authorized representative is authorized to place special conditions in the permit deemed necessary. It may be desirable in some locations to establish a minimum surveillance interval to be observed by the facility owner or his representative.

3. Removal of Facilities. The facilities of permittees which are not removed when specified in the permit or when requested after revocation of the permit will be treated as unauthorized structures pursuant to Title 36, Chapter III, Part 327.20, of the Code of Federal Regulations.

4. Posting of Permit Number. Each District will procure 5" x 8" printed permit tags for posting on the floating facilities. The permit tags will be fabricated of either light metal or paper. Where display permits are printed on paper, they will be placed in plastic to make them weatherproof after the permit number and the expiration date have been affixed thereon. The original of the completed application -- permit is to be in the possession of the permittee. The duplicate of this form will be retained

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in the Resource Manager's office. The permit numbers will be consecutive for each project beginning with number 0001. The District Engineer is authorized to include letters in the permit for further identification as an aid to the project management. The permittee will be required to display the printed tag so that it can be visually checked with ease.

APPENDIX B

APPLICATION FOR LAKESHORE USE PERMIT (ER 1130-2-406) Print or type the information requested below. Submit two completed and signed copies of this application with two complete sets of plans and specifications to the Resource Manager.		
LAKE	DATE OF APPLICATION	
NAME OF APPLICANT	TELEPHONE AREA CODE AND NUMBER	
STREET	CITY AND STATE	
TYPE OF FACILITY <input type="checkbox"/> BOATHOUSE (w/roof) <input type="checkbox"/> BOAT PIER (open) <input type="checkbox"/> BOAT MOORING BUOY <input type="checkbox"/> SKI JUMP <input type="checkbox"/> DUCKBLINO <input type="checkbox"/> FLOAT <input type="checkbox"/> OTHER (specify) <input type="checkbox"/> LAND USE (specify)		
BRIEF DESCRIPTION OF LOCATION OF FACILITY, PERMIT NUMBER(S) OF BOAT OR BOATS TO BE DOCKED IF THIS APPLICATION IS FOR A BOAT MOORING FACILITY OR DEVELOPMENT IF THIS APPLICATION IS FOR LAND USE;		
FOR ILLUSTRATION PURPOSES ONLY (Local reproduction authorized - blank masters available from local FMO)		
THE FOLLOWING PARTY WILL BE READILY AVAILABLE ON SHORT-NOTICE CALL AND RESPONSIBLE FOR PROVIDING ANY NEEDED SURVEILLANCE OF THE STRUCTURE IN MY ABSENCE.		
NAME	TELEPHONE AREA CODE AND NUMBER	
STREET	CITY AND STATE	
I UNDERSTAND AND AGREE TO THE CONDITIONS OF THE PERMIT FOR LAKESHORE USE. TWO COMPLETE SETS OF THE PLANS AND SPECIFICATIONS, INCLUDING SITE LOCATION AND LAYOUT PLAN, FOR THE PROPOSED STRUCTURE AND ANCHORAGE SYSTEM ARE ENCLOSED.		
_____ <i>Date</i>	_____ <i>Signature of Applicant</i>	
(DO NOT WRITE BELOW THIS LINE)		
PERMIT		
PERMIT NO.	DATE ISSUED	PERMIT EXPIRES (date)
THIS PERMIT TO CONSTRUCT AND OR MAINTAIN AND USE A FLOATING RECREATION FACILITY OR DEVELOPMENT AS SHOWN ON THE ATTACHED PLANS SUBJECT TO THE RULES AND REGULATIONS OF THE CORPS OF ENGINEERS ON WATERS UNDER THE CONTROL OF THE U. S. ARMY, CORPS OF ENGINEERS IS HEREBY GRANTED BY DELEGATION OF THE SECRETARY OF THE ARMY UNDER AUTHORITY CONFERRED ON HIM BY THE ACT OF CONGRESS APPROVED 31 AUGUST 1951 (U.S.C. 140). THE PERMITTEE SHALL ADHERE TO THE CONDITIONS FOR LAKESHORE USE.		
_____ <i>Date</i>	_____ <i>Signature of Resource Manager</i>	

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APPENDIX C

CONDITIONS OF PERMIT FOR LAKESHORE USE

1. This permit is granted solely for the purpose described by the permittee on the opposite side of this form.
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 the permitted facility, growing out of the ownership, construction, operation or maintenance by the permittee of the permitted facilities.
3. The ownership, construction, operation or maintenance of the permitted facility is 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 navigable waters at or adjacent to the permitted facility or to unreasonably interfere with navigation in connection with the ownership, construction, operation or maintenance of the permitted facility.
5. The permittee agrees that if subsequent operations by the Government require an alteration in the location of the permitted facility or if in the opinion of the District Engineer the permitted facility shall cause unreasonable obstruction to navigation or that the public interest so requires the permittee shall be required, upon written notice from the District Engineer to remove, alter, or relocate the permitted facility, without expense to the Government.
6. The Government shall in no case be liable for any damage or injury to the 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.
7. The ownership, construction, operation and maintenance of the permitted facility is subject to all applicable Federal, State and local laws and regulations.
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 or maintenance of the permitted facility.

9. The permittee shall comply promptly with any lawful regulations or instructions of any Federal, State or local agency of the Government.

10. The permittee agrees that he will complete the facility construction action within one year of the permit issuance date. The permit shall become null and void if the construction action is not completed within that period. Further, he agrees that he will operate and maintain the permitted facility in a manner so as to minimize any adverse impact on fish and wildlife habitat, natural environmental values and in a manner so as to minimize the degradation of water quality.

11. At such time that the permittee ceases to operate and maintain the permitted facility, upon expiration of this permit, or upon revocation of this permit, the permittee shall remove the permitted facility within 30 days, at his expense, and restore the waterway and lands to its former condition. If the permittee fails to remove and so restore to the satisfaction of the District Engineer, the District Engineer may do so by contract or otherwise and recover the cost thereof from the permittee.

12. No pier or boathouse is to be used for human habitation. Household furnishings are not permitted on boat piers or boathouses.

13. No houseboat, cabin cruiser or other vessel shall be used for human habitation at a fixed or permanent mooring point.

14. No charge may be made for use by others of the permitted facility nor commercial activity be engaged in thereon.

15. The size of all structures shall be kept to a minimum to limit encroachment on the water surface.

16. Boat mooring buoys and flotation units of floating facilities shall be constructed of materials which will not become waterlogged or sink when punctured.

17. Floating structures are subject to periodic inspection by the Corps rangers. If an inspection reveals conditions which make the facility unsafe in any way or conditions which deviate from the approved plans, such conditions will be corrected immediately by the owner upon receipt of notification. No deviation or changes from approved plans will be permitted without prior written approval of the Resource Manager.

18. Floating facilities shall be securely anchored to the shore in accordance with the approved plans by means of moorings which do not obstruct the free use of the lakeshore.

19. That the display permit tag provided shall be posted on the floating facility or on the land areas covered by the permit so that it can be visually checked with ease in accordance with instructions of the Resource Manager.

13 Dec 74

20. No vegetation other than that prescribed in the permit may be damaged, destroyed or removed.

21. No change in land form such as grading, excavation or filling may be done.

22. No vegetation planting of any kind may be done, other than that specifically prescribed in the permit.

23. This permit is non-transferable. Upon the sale or other transfer of the permitted facility or the death of the permittee, this permit is null and void.

24. By 30 days written notice, mailed to the permittee by registered or certified letter the District Engineer may revoke this permit whenever he determines that the public interest necessitates such revocation or when he determines that the permittee has failed to comply with the conditions of this permit. The revocation notice shall specify the reasons for such action. If within the 30 day period, the permittee, in writing requests a hearing, the District Engineer shall grant such hearing at the earliest opportunity. In no event shall the hearing date exceed 60 days from the date of the hearing request. At the conclusion of such hearing, the District Engineer shall render a final decision in writing and mail such decision to the permittee by registered or certified letter. The permittee may, within 5 days of receipt of the decision of the District Engineer appeal such decision to the Division Engineer. The decision of the Division Engineer shall be rendered as expeditiously as possible and shall be sent to the permittee by registered or certified letter. The permittee may, within 5 days of receipt of the decision of the Division Engineer appeal such decision in writing to the Chief of Engineers. The decision of the Chief of Engineers shall be final from which no further appeal may be taken.

25. Notwithstanding condition 24 above if, in the opinion of the District Engineer, emergency circumstances dictate otherwise the District Engineer may summarily revoke this permit.

APPENDIX D

PERMIT
01234
EXPIRES 30 NOV. 1974

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



**U.S. ARMY
CORPS OF ENGINEERS**

APPENDIX B
SCOPE OF WORK
LAKESHORE MANAGEMENT FEE SCHEDULE

1.0 SCOPE OF WORK.

The work to be performed consists of developing, separate from the Shoreline Management Regulation, a fee schedule that considers both program administrative costs and the value of permitted activity to the private user and presenting the final product to HQUSACE and the ASA(CW). The work includes the necessary coordination.

2.0 PURPOSE.

The purpose of this study is to estimate the annual administrative costs, including an appropriate share of overhead, for private shoreline use permits under the Shoreline Management Program as directed in the ASA(CW) memo contained in Annex A and to establish a value of the activity to the permittee based on information obtained from various sources.

3.0 OBJECTIVE.

The objective is to develop a shoreline management fee schedule for recovering total administrative costs, overhead costs, and considering the value of the permitted activities commensurate to the benefits derived. It is our intention to implement the fee schedule in 1987 with a four-year phase-in period.

4.0 REQUIREMENTS.

4.1 General:

4.1.1 South Atlantic Division (SAD) shall furnish all labor, materials, and equipment and perform necessary travel as required in conjunction with the services to be provided.

4.1.2 SAD shall record deposition action to review comments and shall furnish copies of this record with the subsequent submission of the document being prepared.

4.1.3 Copies of any correspondence by SAD relating to this effort shall be furnished to HQUSACE, ATTN: DAEN-CWO-R.

4.1.4 SAD shall make distribution of each submittal as required to the list of addressees shown in Annex B.

4.2 Review Committee. SAD shall chair a committee and request a representative from IMVD, MRD, NCD, ORD, and SWD to serve as members of a review committee. A representative from DAEN-CWO-R will also serve on the review committee. Additional review committee members may be added with case-by-case approval of DAEN-CWO-R.

4.3 Coordination. Assistance may be obtained from and coordination is required with districts and divisions having shoreline management program responsibilities. Coordination with other Federal, state and local agencies, or private concessionaires providing similar services is authorized as required. Contact will be maintained with HQUSACE (DAEN-CWO-R) as the study progresses.

4.4 Study Preparation. SAD shall follow the following guidelines in conducting this study.

4.4.1 The fee formula must be clear and simple.

4.4.2 The formula must be fair and equitable to the Corps as well as the permittee.

4.4.3 The formula must cover the full-range of shoreline activities.

4.4.4 The formula must be structured to allow a progressive four-year phase-in period.

4.4.5 The formula must be flexible enough to allow the consideration for regional or local costs and differences.

4.4.6 The rationale for the formula must be presented in detail and defensible from an economic and social point of view.

5.0 REVIEW CONFERENCE.

Review conferences, as needed, will be held for the purpose of discussing and resolving government comments with representatives in charge of the work. A Memorandum for Record documenting decisions reached during review conferences shall be prepared by SAD and distributed to the committee members within 5 working days after each conference, including all comments received with actions noted.

6.0 BRIEFINGS.

With submission of the final report, SAD shall be prepared to present briefings for the Director of Civil Works and the Assistant Secretary of Army (Civil Works) as required. The exact schedule and location of the briefings will be determined and coordinated by HQUSACE (DAEN-CWO-R).

7.0 PERIOD OF SERVICE.

Work shall be submitted for review in accordance with the following schedule:

<u>TASK</u>	<u>COMPLETION DATE</u>
1. Start coordination, criteria search and analysis.--	1 June 1986
2. Submit proposed plan of study.-----	1 July 1986
3. Submit draft study report to DAEN-CWO-R for review.-----	1 September 1986
4. Submit draft study report to the field for review and comment.-----	1 October 1986
5. Submit final report of study with recommendations to HQUSACE (DAEN-CWO-R).-----	30 November 1986

APPENDIX C
COMMITTEE MEMBERS

SOUTH ATLANTIC DIVISION - CHAIRMEN

Gerald Purvis, Chief, Natural Resources Management Branch
Brad Keshlear, Chief, Recreation & Programming Section

HOUSACE

Dave Wahus, Chief, Land Management Section

LOWER MISSISSIPPI VALLEY DIVISION

Grafton Anding, Biologist, Vicksburg District

MISSOURI RIVER DIVISION

Roy Snyder, Resource Manager, Lake Sakakawia

OHIO RIVER DIVISION

Maurice Simpson, Fish & Wildlife Specialist, Nashville District

SOUTHWESTERN DIVISION

Bob Anderson, Resource Manager, Beaver Lake

WATERWAYS EXPERIMENT STATION

Roger Hamilton, Chief, Resource Analysis Group

APPENDIX D
PROJECTS SURVEYED
QUESTIONNAIRE

LOWER MISSISSIPPI VALLEY DIVISION

Carlyle Lake
Wappapello Lake
Degray Lake

Lake Greeson
Sardis Lake

MISSOURI RIVER DIVISION

Harlan County Lake
Kanopolis Lake
Perry Lake
Pamona Lake

Stockton Lake
Tuttle Creek Lake
Wilson Lake
Fort Peck Project
Pomme De Terre Lake

Fort Randall Lake
Gavins Point Project
Lake Oahe
Lake Sakakawea

NORTH CENTRAL DIVISION

Coraville Lake
Mississippi River Pool

Baldhill Lake
H W Mississippi River

NORTHWESTERN DIVISION

Fern Ridge Lake

OHIO RIVER DIVISION

Barren River Lake
Buckhorn Lake
Cagle Mill lake
Cecil M Harden Lake
Green River Lake
Huntington Lake
Mississinewa Lake
Lock & Dam 8

Monroe Lake
Nolin River Lake
Rough River Lake
Saiaonie Lake
Barkley L & D
Center Hill Lake
Cheatham L & D
Youghiogney River

Cordell Hull Lake
Dale Hollow Lake
Old Hickory Lake
Wolf Creek Lake
Berlin Lake
Lock & Dam 7
Tygart Lake

SOUTH ATLANTIC DIVISION

Allatoona Lake
Blackwarrior & Tombigbee
Claiborne L & D
George W Andrews Lake
Jim Woodruff Lake
Lake Sidney Lanier

Robert F Henry L & D
Tenn-Tom/Aberdeen
Tenn-Tom/Aliceville
Tenn-Tom/Canal
Tenn-Tom/Columbus
Tenn-Tom/Gainsville
Millers Ferry L & D

West Point Lake
Clarks Hill Lake
Hartwell Lake
John H Kerr
Philpott Lake
W Kerr Scott

SOUTHWESTERN DIVISION

Conchas Lake
Bardwell Lake
Benbrook Lake
Grapevine Lake
Lake of the Pines
Lake Steinhagen
Lavon Lake
Lewisville Lake
Navarro Mills Lake
Proctor Lake
Waco Lake
Addicks Lake

Barker Lake
Beaver Lake
Bull Shoals Lake
Dardanelle Lake
Dierks Lake
Greers Ferry Lake
Millwood Lake
Murray L & D
Norfolk Lake
Ozark Lake
Table Rock Lake

Toad Suck Ferry L & D
Council Grove Lake
Denison Lake
Eufaula Lake
Fall River Lake
Fort Gibson Lake
Hulah Lake
Keystone Lake
Robert S Kerr
Tenkiller Ferry Lake
Toronto Lake
Webbers Falls L & D

Appendix D

Division 1 District 2 Project 3-22



Shoreline (Lakeshore) Management
Fee Study
Questionnaire

The Assistant Secretary of the Army (Civil Works) has requested OCE to develop a new fee schedule for Shoreline (Lakeshore) Management permits. A field task force is currently engaged in this effort. The task force is surveying all projects with shoreline management permits to identify the scope of the program and collect consistent data for use in this effort. Your project has been identified as having shoreline management permits. Your assistance is valuable to the task force efforts. Please make sure all questions are answered as accurately and completely as possible so that a defensible and equitable fee schedule can be proposed. The information you provide will be used solely by the task force for this purpose and will not be released for any other purpose.

All questions pertain to your project only. No district support or overhead rates of any type should be included.

PART I. GENERAL INFORMATION

1. So that we may fully identify the scope of shoreline management activities in the Corps, check on the list below these activities permitted on your project. Do not include real estate outgrants such as licenses for water or electric lines. For those activities that you checked, please indicate the length of time (term) for which a permit is normally granted.

<u>Permitted At Your Project</u>	<u>Water-based</u>	<u>Term (yrs)</u>	<u>Permitted At Your Project</u>	<u>Land-based</u>	<u>Term (yrs)</u>
23 <input type="checkbox"/>	Single owner docks	___ 29	35 <input type="checkbox"/>	Underbushing	___ 38
24 <input type="checkbox"/>	Community docks	___ 30	36 <input type="checkbox"/>	Mowing	___ 39
25 <input type="checkbox"/>	Mooring buoys	___ 31	37 <input type="checkbox"/>	Plantings	___ 40
26 <input type="checkbox"/>	Floats	___ 32		Other vegetative modification (specify)	
27 <input type="checkbox"/>	Ski course	___ 33	<input type="checkbox"/>	_____	_____
28 <input type="checkbox"/>	Ski jump	___ 34	<input type="checkbox"/>	_____	_____
			<input type="checkbox"/>	_____	_____

<u>Permitted At Your Project</u>	<u>Water-based</u>	<u>Term (yrs)</u>	<u>Permitted At Your Project</u>	<u>Land-based</u>	<u>Term (yrs)</u>
41 <input type="checkbox"/>	Duck blind	____ 43	45 <input type="checkbox"/>	Landscaping	____ 51
42 <input type="checkbox"/>	Ice fish house	____ 44	46 <input type="checkbox"/>	Erosion control/ Bank stabilization	____ 52
<input type="checkbox"/>	Other (specify)	____	47 <input type="checkbox"/>	Foot-path	____ 53
<input type="checkbox"/>	_____	____	48 <input type="checkbox"/>	Bird-house	____ 54
<input type="checkbox"/>	_____	____	49 <input type="checkbox"/>	Picnic table	____ 55
			50 <input type="checkbox"/>	Garden	____ 56
			<input type="checkbox"/>	Other (specify)	____
			<input type="checkbox"/>	_____	____
			<input type="checkbox"/>	_____	____
			<input type="checkbox"/>	_____	____

2. Do you issue permits for community docks at your project?

57 yes

no (go to question 3)

A. What is the basis for your community dock fees? (If more than one box is checked, please explain in space on next page.)

58 Flat rate per dock

59 Incremental size of dock (i.e. length/width limits)

60 Linear feet of shoreline taken up by the dock

61 Square footage of dock

62 Number of slips

Other (specify)

Explain:

3. In an average year, approximately what percent of your total number of permits require some type of management or administrative action?

_____ % 63-65

4. During an average year, approximately what percent of shoreline use permits at your project are. (Total will not necessarily equal 100%.)

A. New _____ % 66-68

B. Renewal _____ % 69-71

C. Reissue _____ % 72-74

D. Cancelled _____ % 75-77

78 79 80

1 2 3 4

PART II. MANAGEMENT & ADMINISTRATIVE COSTS

The following questions are to be answered using data from your project only. No district costs or overhead costs of any type should be included. Only include direct costs associated with management and administration of your project's shoreline management program. Answers should be based on an average year. However, do not use more than five years of data in establishing this average.

1. How many years of data are being used to calculate the averages reported in the following questions? (Circle one)

1 2 3 4 5 (5)

2. The following information relates to shoreline management only. You may have more than one person with the same job title working on shoreline management (e.g. two Rangers). In such a case, enter the total hours per year and total direct costs per year for all personnel who perform shoreline management activities. Include direct labor costs (base rate) only. Do not include overhead of any type.

<u>Personnel</u>	<u>Total Hours per Year</u>	<u>Total Direct Labor Costs (Base Rate) (nearest 1,000)</u>
Rangers	_____ 6-10	\$ _____ ,000 41-43
Park Technicians	_____ 11-15	\$ _____ ,000 44-46
Clerk/Typists	_____ 16-20	\$ _____ ,000 47-49
Secretaries	_____ 21-25	\$ _____ ,000 50-52
Assistant Managers	_____ 26-30	\$ _____ ,000 53-55
Managers	_____ 31-35	\$ _____ ,000 56-58
Other (specify)		
_____	_____	\$ _____ ,000
_____	_____	\$ _____ ,000
_____	_____	\$ _____ ,000
Total Hours	_____ 36-40	Total \$ _____ ,000 59-61

3. Please provide the following information relative to the use of equipment for direct support of your shoreline management activities. Cost per mile for different types of equipment should be averaged, i.e., average the costs of a 4 x 4 and sedan delivery if these are the types of vehicles used. Use your district's standard rate for each type of equipment when averaging cost per mile and cost per hour.

FOR SHORELINE MANAGEMENT ACTIVITIES:

A. VEHICLES

Miles per Ave. Year (nearest <u>1,000</u>)		Ave. Cost per <u>Mile</u>		Total Cost (nearest <u>1,000</u>)
_____,000 <u>62-65</u>	X	\$0. _____ <u>66-67</u>	=	\$ _____,000 <u>68-70</u>

B. BOATS

Hours per Ave. Year		Ave. Cost per <u>Hour</u>		Total Cost (nearest <u>1,000</u>)
_____ <u>71-74</u>	X	\$0. _____ <u>75-76</u>	=	\$ _____,000 <u>77-79</u>

C. OTHER (specify)

<u>Equipment Type</u>	<u>Hours per Ave. Year</u>		<u>Ave. Cost per Hour</u>		<u>Total Cost (actual amount)</u>
_____	_____	X	\$0. _____	=	\$ _____
_____	_____	X	\$0. _____	=	\$ _____
_____	_____	X	\$0. _____	=	\$ _____

<u>1</u> <u>2</u> <u>3</u> <u>4</u>	Total Cost of All Equipment (Round to Nearest 1,000)	=	\$ _____,000 <u>5-10</u>
-------------------------------------	--	---	-----------------------------

4. Materials and supplies for shoreline management activities.

<u>Item</u>	<u>Actual Cost per Average Year</u>
Film	_____ 11-14
Permit Tags	_____ 15-18
Office Supplies	_____ 19-22
Postage	_____ 23-26
Other (specify)	
_____	_____
_____	_____
_____	_____
Total Cost per Average Year	= _____ 27-31

PART III. REVENUES

In the appropriate spaces provided below, enter the current number of permits and the total revenue generated by those permits. If you consolidate floating facilities and land-based activities on a single permit, record those permits on line C. Do not record those permits on line a or b. Include only revenues for permit activities. Do not include revenues from real estate license activities, i.e. powerlines, walkways, waterlines, etc.

	<u>Current No. of Permits</u>	<u>Total Revenue Generated by These Permits</u>
A. Floating Facilities	_____ 32-36	\$ _____ 52-57
B. Land-Based Activities	_____ 37-41	\$ _____ 58-63
C. Consolidated Permits (If you consolidate floating facilities and land-based activities on one permit, use this line.)	_____ 42-46	\$ _____ 64-69
Total	_____ 47-51	\$ _____ 70-75

PART IV. FEES AT COMMERCIAL FACILITIES

1 2 3 4

Please provide information on current commercial fees as indicated below. We realize that a variety of criteria are used to establish these fees. The slip sizes indicated below have been selected as representative throughout the Corps. Your responses should be adjusted to fit these criteria as accurately as possible.

	<u>Size of Moorage</u>	<u>Average Fee Per Year</u>
A. Wet Storage		
Open slip	0' - 20'	\$ _____ 5-8
	21' - 30'	\$ _____ 9-12
	> 30'	\$ _____ 13-16
	Mooring buoy	\$ _____ 17-20
Covered slip	0' - 20'	\$ _____ 21-24
	21' - 30'	\$ _____ 25-28
	> 30'	\$ _____ 29-32
B. Dry Storage on Project		\$ _____ 33-36
C. Dry Storage off Project (only those directly supported by project)		\$ _____ 37-40

PART V. COMMENTS

1. Any comments concerning fees for the shoreline management program?

2. Any questions about completing this questionnaire should be directed to Mr. Roger Hamilton at (601) 634-3724, FTS 542-3724, or Mr. Brad Keshlear at (404) 331-4834, FTS 242-4834.

3. Please attach a current fee schedule for the shoreline management activities authorized at your project.

4. After you have completed this questionnaire and attached a copy of your current shoreline management fee schedule, return both to:

USAE Waterways Experiment Station
ATTN: WESER-R/Roger Hamilton
P.O. Box 631
Vicksburg, MS 39180-0631

5. We appreciate your efforts in providing this information. Thank you.

APPENDIX E
LIST OF PUBLIC AGENCIES
AND
PRIVATE ENTITIES
CONTACTED

Pennsylvania Environmental Quality Board
Arkansas Game and Fish Commission
Tennessee Valley Authority
U.S. Forest Service
National Park Service
City of Ft. Worth, Texas
Georgia Power Company
Union Electric Company
Arkansas Power and Light Company
Bear Creek Development Authority (Alabama)
Tennessee - Elk River (Tennessee)
Brazos River Authority (Texas)
Trinity River Authority (Texas)
Tarrant County Water Control & Improvement District (Texas)
Lake Kiowa Property Owners Association (Texas)
Lower Colorado River Authority
Sabine River Authority (Texas)
All Commercial marinas at the 100 projects listed in Appendix D

APPENDIX F

COMMENTS RECEIVED FROM FIELD
REVIEW OF LAKESHORE MANAGEMENT
DRAFT FEE STUDY REPORT

1. Page 2.

a. Definitions (E.7.) Foot Path:

ORD - Definition of a foot path is vague, since anyone is allowed to walk on/across project lands for free. Perhaps paths should be defined as improved sites.

SAD - Although this definition seems to be clear, in actual practice it is often extremely hard to tell the difference in a foot path and an improved walkway as must be permitted under the Real Estate licensing program.

SWD - The study report states that the path should not exceed four feet in width. Based on an extensive review of our mowing policy during the update of the Lakeshore Management Plan at Eufuala Lake, we recommend a path not to exceed six feet.

- * The committee has revised the definition of a foot path as follows to more clearly identify the meaning. "A unimproved pedestrian access path, leading from private property and normally exclusively used by the private property owner, that follows a meandering route, prevents erosion and avoids the need for tree removal on public land. These paths normally do not exceed four feet in width."

Types and widths of foot paths are issues that are addressed in individual Lakeshore Management Plans.

b. Definitions (E.11) Community Dock:

NPD - The policy statement of ER 1130-2-406 strongly discourages community docks being permitted on an individual slip-space basis and states the policy is "...to issue only one permit for a community boat mooring facility with one person designated as the permittee...". We recommend this policy, which provides for efficient program management, be retained.

- * The definition has been rewritten to clarify this concern as follows: "A private boat dock usually having more than one slip and authorized for use by more than one person or family for which only one permit is issued."

2. Page 4, Paragraph F. 3., Questionnaire:

NPD - The initial statement implies that all projects where lakeshore use permits are issued were surveyed. NPD has four projects (Dexter, Fern Ridge, Ice Harbor, and McNary) where lakeshore use permits are issued; only one of which was surveyed. We suggest this sentence be rephrased to state that 100 of the projects where lakeshore permits are issued were surveyed.

- * The Fee Study has been revised to clarify the above concern. However, the data base used to retrieve the list of projects where lakeshore use permits are issued was the Natural Resource Management System (NRMS). If the data entered at the district level within NPD is not accurate it should be corrected in this years update of the NRMS.

3. Page 9.

a. Paragraph H. 7., Coordination Fee:

SAD - I agree that it is beneficial to the government to work with developers/realtors and that a separate coordination fee could not be assessed for this service. However, I do believe that the cost for rendering such services should be included in the overall administration fee for individual permits as part of the cost of operating the lakeshore management program.

- * The information the committee received on the questionnaire did take into consideration this effort. In developing the proposed fee schedule, these costs were considered and used in calculating the administrative cost of the Lakeshore Management Program.

b. Paragraph H. 8., Permit Modification Fee:

SAD - If we assess a fee of 50% of the annual fee assessment for major modifications or expansion to floating facilities that provide additional moorage space, are we not in effect assessing this additional amount of money based on a value fee rather than administrative costs?

SAD - A clear definition of major and minor modification should be provided. It takes just as much time and effort to make a major permit modification as it does a minor modification. Suggest this be differentiated by stating that any horizontal expansion to facilities or activities be considered as major modifications and hence require the additional 50% modification fee.

- * The 50% additional fee for modification of a permit is to cover the additional administrative effort required to modify the permit, including the necessary site visits and reviews. In order to clarify this section of the Fee Study it will be revised to indicate that an additional 50% of the total permit fee will be assessed when a permit modification is requested that includes any horizontal expansion to existing facilities/activities or increases the number of facilities/activities authorized by the existing permit. The permit modification fee should not be assessed when a permit modification occurs in conjunction with renewal of an existing permit.

4. Page 10.

H.I.A.(10), Reassignment Fee:

MRD - Lakeshore Use Permits are not reassigned upon the sale or transfer of a permitted facility. A new permit is issued, if appropriate, in these cases. It is not recommended that permits be transferrable, due to decreased measure of control over the permit. Also, ER 1130-2-406 prohibits transfer of permits.

NPD - It appears the committee felt that lakeshore use permits are only issued to adjoining landowners and that permits may be transferred (reassigned) to "the new property owner". ER 1130-2-406 does not allow permits to be transferred. Upon sale or other transfer of the permitted facility or death of the permittee, the permit is null and void. The voided permit site may become available for permit application by all members of the public for issuance in an impartial manner. This provision provides for fair and equal treatment of the public. We recommend this provision be retained.

SAD - I did not know that we had ever been allowed to reassign or transfer lakeshore use permits to new property owners. I strongly concur that we should not transfer or reassign permits and that entirely new permits should be issued with full fee to be charged.

SWD - From the viewpoint of the permittee, a dock permit which is transferable is much more valuable than a non-transferable permit. Our administrative effort is the same for both types of permits but some permittees will view equal fees as unfair. This should be considered.

SWD - Reassignment fees should be charged.

- * There was some confusion over this section of the report. The Committee is not recommending transfer of permits. This section deals with reassigning a permit to a different permit holder. The permit is not transferred. In essence a new permit is issued to the new property owner upon its sale or transfer by the former permittee. The term "reassignment" is used to indicate that this type of situation is different than starting a "new permit" from scratch, when there is nothing on site at the permitted facility location. The entire permit fee is assessed.

5. Page 11.

Administrative Fee Schedule:

NPD - Currently ER 1130-2-406 provides for permits to be issued for periods of one to five years. We feel that issuing lakeshore use permits for periods longer than 5-years could adversely impact management of the affected lands and furthermore, a 5-year period is an adequate time frame for private exclusive use facilities and/or other privileged uses of public lands and shorelines. We recommend that, for effective management of the shorelines, this provision be retained.

- The Committee has not recommended that permits be issued in excess of 5-year terms. However, there are certain activities and facilities that may warrant issuance of permits for periods greater than 5 years, such as erosion control structures. The term of permits will continue to be regulated by the Lakeshore Management Regulation and is beyond the scope of work of this fee study.

SAD - Does the \$400 administrative charge for a permit include the increased administrative costs of annual payments referred to in Section 4, Up-Front payment - Discounts, on page 16 of the report?

- * The \$400 fee is based on the current administrative cost of the Lakeshore Management Program. This is the cost of a 5-year permit for a floating facility. The proposed discount for up front payments would be subtracted from the total fee cost.

6. Page 12.

First Paragraph, Consolidated Permits:

ORD - Will this one administrative fee for consolidated permits apply to all items as they are added over time to the permit in future years after initial permit is issued?

- * Any modification to a permit that provides for horizontal expansion to the permitted activity or facility will be assessed an additional 50% of the annual fee for the modification. The Fee Study has been revised to clearly indicate the 50% additional fee assessment for permit modifications.

7. Page 14.

H.1.c.(8), Land-based Activities:

NPD - We do not concur entirely with assessing the entire administrative fee for land-based activities; that is, vegetation modification. We are not certain what all is included under this category, but we feel that only the initial year of the administrative fee should be assessed for vegetation modification.

- * The Committee received several general comments concerning the fee for vegetation modification and has reevaluated its recommendation on fees for vegetation modification. The revised fee for a 5 year permit is \$200. This includes underbrushing, mowing, planting/ landscaping and foot paths.

8. Page 15.

a. H.2. Golden Age/Access Discount:

ORD - No discounts for Golden Age/Access benefits should be permitted. A permit for a lakeshore activity or structure is an advantage and convenience for adjacent landowners and is not beneficial to the general public. There does not appear to be any reason to give additional advantages to these individuals.

- * The Committee does not recommend such discounts. Concur.

b. H.3., Refunds:

NPD - We concur that provision for refunds is necessary, but they should be made on the same basis as for other fees; that is, for the unit of time the fee covers. In this case, refunds should be made on the basis of the whole number of years remaining on the permit. To pro-rate refunds by the month is not cost effective.

SAD - The refund program will be an administrative nightmare especially at projects with large numbers of permits. It probably will cost us more than the amount of refund to process the refund because of F&A and other district office involvement and associated documents/correspondence. Strongly recommend a NO REFUND policy and assure that we make every permittee fully aware of this policy during the permit process and before accepting the fee.

SWD - We would prefer not to give refunds. If refunds are recommended, don't refund by the month. Refund by the year.

- * The Committee feels refunds will be essential because of the amount of the fees to be assessed. Currently, our regulations allow us to refund even camping fees in unusual and unpreventable circumstances. Therefore, refunds should be provided. However, the fee study will be revised to recommend refunds be made only for the whole number of years remaining on the permit.

9. Page 16.

a. H.4., Up-front Payments-Discounts:

MRD - All payments should be up-front in the interests of simplicity and cost effectiveness.

NPD - We do not concur with allowing discounts. We are not in a business of selling goods and products. We feel that private exclusive use of shoreline through the permitting process is a privilege enjoyed by only a few of the taxpayers; those who enjoy such a privilege should pay its cost.

ORD - Permits should be paid in full prior to issuing. This would do away with any headaches associated with trying to collect late payments.

SAD - Rather than a discount for up-front, one-time payments, consider having a standard fee for such payments. Such payment would not be requested until the permit is approved. For those paying on an annual basis include an administrative cost on top of the yearly fee.

Significant manpower will be unnecessarily consumed coordinating annual payments. I concur with the concept of the discount, but believe that it should not be used in this case. Recommend all payments be made up-front with no annual payments allowed.

SWD - We recommend deleting the upfront discounts. These would complicate the collection and accounting process and could raise questions about the amount due should a refund be requested at a later date.

- The Committee agrees that up-front payments will be most cost effective. However, in order to provide incentive for up-front one-time payments and still provide a flexible permit fee collection system, we feel a discount system is essential in order to be fair and equitable to all permittees. The fee study will not dictate that annual payments must be allowed. Any revisions to regulations should indicate that annual payments and up-front discounts may be considered.

b. H.5., Late Fees:

MRD - Late fees should not be considered.

NPD - We do not concur with the assesment of late fees. Permittees should be advised, if they choose not to pay up-front and their annual permit fees are not received within 30 days of the due date, the permit is void and they are in violation of Title 36, which could cost them additional expense.

SAD - We concur with the charging of late fees but strongly recommend that this not preclude our option to consider termination of the expired permit and the follow-up Title 36 actions. Recommend that these late fees be set up so they are simple add-ons and do not require extra

effort in the form of contacts and/or correspondence with the permittee.

SWD - We recommend deleting the late payment fees.

- The Committee considered the late payment fee as an interim effort to provide incentive to make timely permit payments for permittees who pay on an annual basis and permit payments for renewals. Attempts to collect permit fees would further strengthen the governments case, should enforcement of Title 36 be required to obtain compliance.

10. Page 17.

a. H.6., Phasing:

NPD - We are currently under a moratorium in our private floating facility program until the end of calendar year 1989. The new fee schedule should be implemented nationally on 1 January 1990.

- * The Committee carefully considered several phase-in options. The option the Committee selected will allow for a phase-in of up to 5 years on existing permits. New permits will be assessed the new fee. This type of phase-in is easy to implement and understand and is fair and equitable to existing permittees.

b. H.7., Community Docks:

ORD - We wish to express strong support for an increase in boat dock fees. As we understand the study results, a base fee of \$400/5 years is recommended for one boat dock. Additional boats/slips should be charged \$200/5 years. Since our average community dock has about 4 boats, there would be little incentive to promote the community dock concept. One boat would cost the owner \$80 per year and a 4 boat community dock would cost each boat owner \$60 per year. We request the final findings include better incentives to promote a community dock concept.

SAD - The proposed fees for community docks will not encourage their use.

SWD - Community dock fees are too high.

- * The Committee has reevaluated the fees for community docks and have agreed the proposed fees will not encourage their use. Since many projects have spent extensive effort in promoting the community dock concept, the Committee feels the proposed fees for community docks can be lowered to encourage their use as identified in the Lakeshore Management Regulation. In addition, since only one permit is issued for a community dock, we can defend that the same fee will be charged for a community dock as for a private individually owned dock. Therefore the Lakeshore Management Fee Study will be revised to reflect this change.

11. Page 18.

LMVD - Concur with overall committee recommendations.

SWD - The report needs to address land based permits in greater detail. Vegetative modification, underbrushing, plantings/landscaping, and mowing will significantly contribute to the "privatization" of public lands. First year fees for these activities should be based on the acreage (or range of acreage) involved.

- * This method of assessing a fee would have to be based on fair market value of the property. The Committee coordinated with Office of Council on this issue and found this method of assessing a fee could place the Corps in an awkward legal situation. Therefore, the Committee recommends that only administrative fees be recovered.

12. Page 19.

a. Cost Accounting and Tracking System:

MRD - The establishment of an additional work code for the lakeshore management program administration is not considered advisable. The costs are difficult to isolate and would, therefore, be subject to some blanket estimation process. The proposed accounting on a continuing basis could become relatively meaningless, particularly for the stated purpose of tracking administrative cost changes. Further, a recent change in the cost accounting program instituted 1 October 1985 was intended to bring the costing system more in line with budget category codes and resulted in simplified work codes. The addition of new work codes would appear to be counter to this effort.

- If permit fees are to be based on recovery of administrative costs as recommended in this report, some type of system to monitor administrative costs is essential. In future years, as administrative costs change, a historical base that identifies what these cost are will be required in order to reassess new permit fees. This will negate the need for another costly committee review, survey and report. Costs to administer the lakeshore management program are no more difficult to isolate and track than many other programs that occur on civil works projects. New budget category codes will have to be developed to coincide with the COEMIS cost accounting system. This would be more in line with the recent effort to unify the budget and costing system to more accurately define the budget request as compared to implementation.

b. Public Relations:

NPD - Does a strong public relations campaign mean the same as public participation required by ER 1130-2-400, paragraph 5.e.?

- * The Committee envisions a special concerted public information campaign prior to implementing any new fees. This effort would be in line with the guidance in ER 1130-2-400. However, additional emphasis will be required at the District, Division and HQDA levels.

13. Appendix F.

LMVD - The \$200 is excessive for duck blinds. These are typically temporary in nature and are removed within two weeks after duck season.

SWD - The \$200 fee for a duck blind appears excessive considering their short term use.

- The Committee has reevaluated the proposed fee for temporary duck blinds and proposes that no fee be assessed for such permits.

NPD - The fee for vegetative modification is too high.

- The proposed fee for vegetative modification has been revised to \$200 for a five year permit.

14. General Comments.

LMVD - Recommend current permittees not be required to pay the initial \$200 fee, since their application papers, dock inspection, etc., have already been processed.

- The cost of administering a lakeshore use permit is \$400 for a 5-year period. In order to recover our costs, the \$200 initial fee must be assessed. Even though existing permittees facilities are already in place, over the five-year term of their permits, \$400 must be collected in order to recover our costs. Existing permittees will not be required to pay the new fee until expiration of the current permit.

LMVD - It is very difficult to apply policy to all projects. Our lakes have a limited lakeshore permit program, while lakes like Sidney Lanier have a tremendous program. This fact should be considered in this study as much as possible.

- * The Committee recognizes the difficulty in applying uniform policy to all projects because of the wide defersity of projects that exist. We attempted to "regionalize" permit fees so they would be comparable to fees charged by commercial marinas for docking fees. However, by doing so permit fees would have to be based on value instead of recovery of administratie fees. When this is done the permit fees are beyond what we felt could reasonably be collected. Therefore, we have attempted to equalize fees nation-wide for uniform application to recover only administrative cost of the program.

MRD - The Study appears to have reached sound conclusions based upon a thorough evaluation of pertinent information. This office generally concurs with the report's recommendations.

General acceptance by Park Managers. There was some difference of opinion between Park Managers on boat dock fees being too high, but general consensus indicates the proposed fee schedule is equitable.

The Omaha District is very satisfied with the effort and guidance presented in the fee study and suggests it be adopted.

NCD - Our Districts had very positive reactions to the report and felt that it was well organized and thorough.

There is a general consensus in this Division with the recommendation for a \$400/5-year permit fee. It was the opinion that value based charges could not be determined satisfactorily, and that a fee based upon estimated administrative costs was appropriate.

The significance of such a dramatic increase in shoreline use fees is likely to result in significant public interest and concern. A thorough and well orchestrated public involvement/information program at the national level may save a lot of needless wear and tear on our project and district personnel, and result in an overall more accepting public climate. Please give your consideration to the scope and nature of the public involvement program for any recommended changes, as our project and district personnel are "our customers" too!

- * On page 19 of the Fee Study the Committee recommends a strong public relations program be implemented. This effort will have to be orchestrated from the OCE level, however, division, district and project involvement will be critical to a successful effort. Those who will be most directly affected are adjacent property owners at those projects where lakeshore use permits are issued. Therefore the projects involvement in an effective PR program will be essential.

NPD - We recognize the effort required by the committee and commend its members for the resulting product. We generally support the findings and recommendations.

In accordance with ER 37-2-10 personnel collecting fees for the government are to be designated as authorized fee collectors. This regulation also provides for designating recreation fee cashiers to collect fees in accordance with ER 1130-2-404. It would seem reasonable to combine the collection of fees for lakeshore use permits with these two regulations and include this fee collection as part of the responsibility of recreation fee cashiers. The accounting and safeguarding of collected fees can be addressed in local regulations.

- * The persons who should collect fees is beyond the scope of work of this fee study.

ORD - How do we overcome the problem that Real Estate issues licenses for steps, walkways, sea walls, light poles etc. Will this be addressed in the study. Issuance of consolidated permits (beyond combination dock and mowing permits) will work only if Real Estate gives up the issuance of licenses at lakes with lakeshore management.

- * Administration of land-based licenses is a Real Estate function. Therefore, this issue will not be addressed in this study. However, in several divisions, Real Estate has given the Resource Manager the authority to administer land-based licenses for minor types of facilities and activities. This was done to optimize efficiency and eliminate a confusing dual reporting requirement by permit holders. This method of management has proved to be very successful in those divisions where it has been implemented. In addition, the Committee is recommending Real Estate evaluate and revise, if necessary, the fees associated with land-based license fees granted through easement statutes by Real Estate Division. This will provide for a one-time fee revision.

The collateral forfeiture for mowing violations is \$25. Implementation of a \$400 vegetative modification permit fee could force a basic ignoring of Corps regulations.

- * The solution to the problem when permittees do not comply with the conditions of the permit is to cancel the permit. Further violations would then be handled by additional action under Title 36.

SAD - There is general concurrence with the findings of the study and the proposed fees are recommended for approval.

A uniform computer program should be developed to handle the collection of permit fees, generate letters, request payment, request late fees, etc.

- * Although a computer program to accomplish this suggestion would be very beneficial, it is not possible to have one system that would accomplish this because of the diversity in program implementation that exists. The development of a computerized program could best be accomplished at the local level.

Overall we agree with the intent of the Lakeshore Management Fee Study to increase fee to equal the cost of administering the program.

SWD - The Committee appears to have done a very thorough analysis of this complex and potentially controversial matter. Their approach seems reasonable and the recommended fees and the methods for their implementation are fair and equitable.

Some districts presently do not charge for mowing permits where a 25-50 foot strip is mowed for the purpose of fire protection. They maintain that this limited mowing should continue to be allowed free of charge. Any mowing or underbrushing beyond the 50 foot safety zone should incur the fee stated in the fee study. In situations where a safety zone is deemed necessary by the Resource Manager, he should have the authority to allow this activity free of charge.

- The Committee agrees. This issue should be addressed in the Lakeshore Management regulation and in local lakeshore management plans.

APPENDIX G
RECOMMENDED FEE SCHEDULE

<u>ACTIVITY/FACILITY</u>	<u>YEAR</u>				
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
1. One slip single owner dock -----	\$280	\$50	\$50	\$50	\$50
2. Community Dock -----	\$280	\$50	\$50	\$50	\$50
3. Swim Float -----	\$280	\$50	\$50	\$50	\$50
4. Mooring buoy or Post -----	\$280	\$50	\$50	\$50	\$50
5. Ski Jump -----	\$280	\$50	\$50	\$50	\$50
6. Ski Course -----	\$280	\$50	\$50	\$50	\$50
7. Vegetative Modification -- (Includes underbrushing, mowing, planting/land- scaping, foot path)	\$140	\$20	\$20	\$20	\$20
8. Temporary Duck Blind -----	0	0	0	0	0
9. Erosion Control -----	0	0	0	0	0