



DEPARTMENT OF THE ARMY  
OFFICE OF THE ASSISTANT SECRETARY  
WASHINGTON, DC 20310-6103

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1 MAY 1986

MEMORANDUM FOR THE DIRECTOR OF CIVIL WORKS *Hank,*

SUBJECT: Lakeshore Management Regulation Revision

Our respective staffs have conducted a thorough review of the Lakeshore Management Program and the December 31, 1983, draft Lakeshore Management Regulation provided by your office. The following guidelines are offered for revision and subsequent implementation of the Lakeshore Management Regulation and associated fee schedule.

First, I want to strongly emphasize that the policy foundation for lakeshore management is a balance between permitted private uses and resource protection for general public use. We need to be especially attuned to the needs and desires of all users, as general public support for our program during these times of budget austerity is extremely important. Additionally, I am convinced, after many months of careful examination, that we must encourage uses of our projects to their fullest potential. However, balance among permitted noncommercial private uses, general public uses, and resource protection at lakes where noncommercial lakeshore uses are allowed should consider local and regional conditions and the desires of those living adjacent to or near the lakes. District commanders should be given discretion to develop lakeshore management plans consonant with these local conditions. I would like a status report after the upcoming summer season, summarizing your efforts, by district, toward optimizing public and private uses and identifying any constraints to increased use.

Second, I believe you would have increased management flexibility if the fee schedule were maintained separate from the Regulation. As such, the draft Regulation incorporating revised policy direction should be promulgated soon, with a revised fee schedule to follow. Please provide me with a schedule indicating the milestones in the process of promulgating the revised Regulation.

Third, restrictions on individual lakeshore uses and users should not go beyond that necessary to maintain overall project integrity and to protect the health and safety of the public. Therefore, noncommercial private

lakeshore uses that do not interfere with authorized project purposes, present public safety concerns, or violate local norms, normally should be allowed. Noncomplying uses should not be allowed; rather, if sufficient demand exists, consideration should be given to increasing the allocation of limited development lakeshore. This should be accomplished by fully incorporating the public involvement process.

Fourth, explicit emphasis, such as in paragraph 5e of the draft regulation, should be placed on public participation in formulation and preparation of lakeshore management plans as well as in annual or biennial reviews of those plans. Appropriate consideration should be given to accommodation of the desires of the local public--those most impacted by the project.

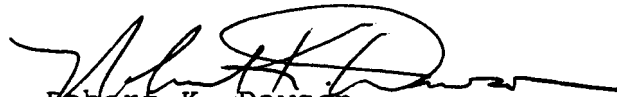
Fifth, a concerted effort should be made at all Corps' lakes with lakeshore management plans to consolidate permits to minimize administrative costs as well as applicants' time.

Sixth, there should be little room for independent judgments regarding interpretation of lakeshore management plan provisions. Lakeshore management plans should be prepared in such a manner that the public can readily discern what private lakeshore uses are allowed and what uses are not allowed at Corps' lakes. This is especially important for private modification of adjacent public lands, such as mowing and utilities. In the event an activity is not mentioned in the plan, an explicit procedure should be identified for determining whether or not it should be allowed. Additionally, lakeshore management plans should identify the types of activities that require real estate instruments and should indicate the general process for obtaining such permits.

Finally, a fee schedule should be developed, separate from the regulation, that considers both program administration cost and value of permitted activity to the private user. Our goal should be to recover, through permit fees, the nationwide cost of administering private lakeshore use permits. In this regard, you should conduct a study to estimate the annual administration costs, including an appropriate share of overhead, for private lakeshore use permits under the Lakeshore Management Program. The goal of recovering total administrative and overhead costs should be the basis for developing revised fee schedules. Individual

fees should be set, however, in consideration of the value of permitted activities. To this end, you should conduct a pilot study of private lakeshore use permits to estimate the value of permitted activity or develop reasonable proxies for values, such as size or location. For instance, if the nationwide average cost of boat dock permit administration is \$100, you might establish a boat dock fee schedule ranging from \$25 to \$175, depending on the size of the dock. In any instance, you should have a revised fee schedule that considers these two principles for my consideration by the end of 1986. The fees should be established for implementation in calendar year 1987 and include a four-year phase-in period.

A marked-up copy of the December 31, 1983, draft regulation is attached for your further refinement.



Robert K. Dawson  
Assistant Secretary of the Army  
(Civil Works)

Attachment