



US Army Corps
of Engineers
St. Paul District

Upper Mississippi River Shoreline Management Plan

JANUARY 12, 1988

SHORELINE MANAGEMENT PLAN

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SHORELINE MANAGEMENT PLAN

1.0 PURPOSE

The purpose of the Shoreline Management Plan is to permit and regulate private exclusive use, consisting primarily of docks and stairways, boathouses, and associated structures and activities, on lands and waters that are administered by the U.S. Army Corps of Engineers along the Mississippi River between Minneapolis, Minnesota, and Guttenberg, Iowa. The conditions and restrictions upon such use are discussed in this plan.

2.0 BACKGROUND

Past policies have allowed private exclusive use of Government land at Corps of Engineers water resource projects. Individuals have been permitted to build and maintain structures for their own exclusive use in conjunction with the water-related recreational opportunities provided by the Mississippi River. These structures have typically been stairways to the water, boat docks, boathouses, and related structures such as storage sheds. The Corps philosophy regarding the appropriateness of permitting private exclusive use of Government land has been more clearly defined since such use was originally permitted. While current policies/regulations allow private exclusive use to continue under certain circumstances, they prohibit such use at any new projects and at any projects where it did not exist before 1975. Private exclusive use of Government land is not encouraged.

The fundamental argument against allowing private use of Government land is that it is inappropriate to grant exclusive use privileges to individuals upon lands that are acquired and maintained with public funds. Government lands should be held for the common good and use by the general public, and all members of the public should be treated equally regarding access to and use of the land and water. The control of access to Government land and water should be equitable, and the overriding concern for preservation of the resource values for the overall public good should dictate how access is regulated and managed.

Furthermore, the appearance of private property, which is created by private structures on Government land, typically discourages the use of these public shorelines by the general public. This situation has occurred at a time when the continuing growth of the national population is creating a need for greater public access and use of Government land. In addition, use of these shorelines and the human activity in the adjacent marshes can degrade the value of waterfowl habitat in areas that are designated as National Wildlife and Fish Refuge.

3.0 DEFINITIONS. For purposes of this plan the following terms are defined:

3.01 PRIVATE DOCK

Any private pier-like platform, open and without sides, extending from Corps-administered shorelines over waters of the Mississippi River, that is used to secure, protect, and provide access to private recreational boats.

3.02 DEPARTMENT OF ARMY PERMIT

An instrument used to authorize structures or work in or affecting navigable waters and/or the discharge of dredge or fill material, regardless of land ownership.

3.03 PRIVATE EXCLUSIVE USE

Any use by an individual that precludes its use by the general public.

3.04 PRIVATE NONEXCLUSIVE USE

Any use by a group of individuals, government entity, or private entity that does not preclude use by the general public.

3.05 REAL ESTATE OUTGRANT

A U.S. Army Corps of Engineers real estate instrument (license, lease, or Special Use License) that authorizes certain activities on Corps-administered lands and waters.

3.06 SHORELINE

A strip of land that extends from the water line to the ordinary high water mark, and from the ordinary high water mark 300 feet landward or to the Federal property line, whichever is less.

3.07 SHORELINE USE PERMIT

An instrument issued by the operations element of the Corps that authorizes special types of private exclusive use privileges on Corps-administered lands/waters to single individuals.

4.0 ZONING

This plan zones the Corps-administered shoreline of the Upper Mississippi River into six categories of appropriate public and/or private use. These zones are described below.

4.01 LIMITED DEVELOPMENT AREAS (LDA)

Limited Development Areas are those shorelines where private exclusive use privileges and facilities may be authorized.

Typically, only those areas allocated in the Land Use Allocation Plan (LUAP), part II of the Upper Mississippi River Master Plan, as recreation/low density or wildlife management, that have historic dock use, or have reasonable access to the river, were considered for this type of zoning. However, not all historic dock areas have been designated as LDA's (Reference Attachment 1).

4.02 PUBLIC RECREATION AREAS

Those areas that were allocated as Recreation /Intensive Use in the LUAP and landings that are adjacent to or surrounded by LDA's are zoned as Public Recreation Areas. Generally, they are relatively small, distinctly defined areas where concentrated public use predominates. Commercial concession facilities are permissible in these areas, but no private exclusive use privileges or facilities will be granted. There are 21 areas allocated for public recreation in the St. Paul District: Lake Rebecca Park and Natural Area, Sturgeon Lake Access, Beef River Landing, Riecks Lake Park, Belvidere Slough, Buffalo City Landing, Minnesota City Boat Club, Winona City Park, Brice Prairie Landing, Schafer's Landing, Nelson Park, Goose Island, Wildcat Park, Stoddard Park, Millstone Landing, Bad Axe Recreation Area, Blackhawk Park, River of Lakes Campground, Jays Lake Recreation Area, Frenchtown Park and Bussey Lake Park.

4.03 PROHIBITED ACCESS AREAS

Prohibited Access Areas are provided as a management option to ensure the protection of ecosystems or the physical safety of the visiting public. Examples are hazardous areas near the locks and dams, archaeological sites, or biologically unique habitat. Private use privileges, including modification of the existing natural landscape, will not be authorized in these areas. The only areas zoned as prohibited access are certain areas adjacent to the locks and dams and spillways, because of the safety hazards involved. These areas are delineated with signs at each lock and dam restricting water access. No other prohibited access areas are proposed at this time.

4.04 VOLUNTARY AVOIDANCE AREAS

Voluntary Avoidance Areas are provided as another management option used to protect biologically valuable areas. Because of the importance of Lake Onalaska to the fall migration of canvasback ducks, it has been determined that a Voluntary Avoidance Area will be established from October 15 to mid-November of each year. The U. S. Fish and Wildlife Service (FWS) will place buoys on the lake to mark the area used most intensively by the waterfowl, and conduct a public educational program. In addition, a monitoring program will be implemented to determine the success of the voluntary effort. The Corps and the FWS feel strongly that a voluntary program can and will work on Lake Onalaska and, in the future, a

similar program on other parts of the river may be considered. If the voluntary program is shown to be ineffective, the Voluntary Avoidance Area may be considered for reallocation as a Protected Area or Prohibited Access Area. Changes being considered to this zoning category would require interagency meetings, and public involvement.

4.05 PROTECTED AREAS

Protected areas are those lands and waters where access may be regulated and managed to protect aesthetic, environmental, and fish and wildlife values. Land and water access is generally allowed in these areas, but may be regulated in order to protect specific natural resource values. Private use privileges, including modification of the natural landscape and private docking structures, will not be authorized in these areas.

4.06 GRANDFATHERED AREAS

Grandfathered Areas are those site-specific locations outside of LDA's where authorized private use privileges will be allowed to continue. Grandfathered Areas will be established for all structures or activities that are currently authorized and for those that are authorized under the special conditions stated in paragraph 14.0 of this plan. New owners of authorized structures/activities in Grandfathered Areas may apply for a new permit to continue the authorization for such use.

5.0 AREAS WHERE PRIVATE USE IS PERMITTED

5.01 LIMITED DEVELOPMENT AREAS

Private exclusive use will be allowed in the nine specific areas identified in attachment 1. Representatives of the Corps; the U.S. Fish and Wildlife Service; the individual States of Minnesota, Iowa, and Wisconsin; and the public at large have reviewed the designation of these areas. After considering the opinions expressed during these reviews, the District Engineer has determined that neither the use by the general public nor the value of the resource for wildlife habitat will be substantially diminished within the Upper Mississippi River system by permitting continued private use in these LDA's. If circumstances warrant, the District Engineer may determine that individual private exclusive use in a LDA may be precluded in favor of private nonexclusive use (see definition 3.04). No areas where such action is warranted are known in the St. Paul District. An example of a possible circumstance that may lead to such action would be the development of a subdivision-type community in conjunction with common shoreline access by a road or pathway. Occupants of such a development who wish to have access to the shoreline

and the river may be better served by the authorization of a community structure within a park-like setting that would be shared by several individuals. If such circumstances were to develop, private nonexclusive use would be considered to have higher public use than private exclusive use. Before the District Engineer makes a determination to preclude any private-exclusive use in favor of private nonexclusive use, the public will be given the opportunity through a public involvement program to provide any comments or recommendations. If the final decision is made for the development of a community structure within a park-like setting, the District Engineer would issue a real estate outgrant.

In areas designated as LDA's, all existing legally authorized and properly maintained structures will be allowed to remain as long as they continue to conform to the conditions under which they are permitted. New owners of such structures will be allowed to apply for new permits to continue their use. New structures will be permitted provided they meet the size, spacing, and design criteria outlined in paragraph 17.0 of this plan.

The size, spacing, and design criteria will be applicable to all new structures in the LDA's. A variance may be permitted after consideration of the site specific circumstances by the Resource Manager or his/her designee. All structures within LDA's that are currently authorized by a valid license will be exempted from conforming to the new size, spacing, and design criteria.

5.02 GRANDFATHERED AREAS

Permits will be issued only to allow for a continuation of those specific, individual cases of private use activity which are currently authorized, or subject to authorization, as of the date of approval of this plan. Wherever an existing permit for an activity/structure in a Grandfathered Area is terminated because of sale or transfer of legal ownership, the District Engineer may consider and issue a new permit to authorize a perpetuation of the existing structure/activity to the new owner or successor.

Whenever activity/structure in a Grandfathered Area is terminated by the Corps due to:

- a. A structure is not in a usable and safe condition or is in violation of a material term of the permit: or
- b. A structure occasions a threat to life or property; or
- c. The site of a structure/activity is necessary for immediate public use for public purposes or other higher public use.

the Grandfathered Area zoning at the site-specific location will also be terminated and no continuation of authorization for any structure/activities shall be permitted.

Grandfathered Areas will not be subject to relocations. No additional Grandfathered Areas will be established for activities/structures that are undertaken/installed after the date of approval of this plan.

6.0 INSTRUMENTS FOR PRIVATE USE

6.01 SHORELINE USE PERMIT

Shoreline use permits will be issued and enforced in accordance with provisions of Section 327.19, Chapter III, Title 36, Code of Federal Regulations, for private recreational structures in waters of the Mississippi River when adjacent shoreline is owned by the U. S. Army Corps of Engineers. The shoreline use permit and conditions of the permit are shown in Attachment 3. Vegetation modification activities on project lands that do not involve in any way a disruption to or change in the land form may be authorized under a Shoreline Use Permit. Vegetation modifications that would create or exacerbate erosion problems will not be permitted. Activities and facilities that require a Real Estate Outgrant are described in paragraph 6.03.

6.02 DEPARTMENT OF THE ARMY PERMITS

In addition to a Shoreline Use Permit, a Department of the Army Permit will be required for structures or work in or affecting navigable waters of the United States. This authority is given by Section 10 of the Rivers and Harbors Act. Furthermore, the discharge of dredged or fill material into all waters of the U. S., including wetlands, requires authorization under Section 404 of the Clean Water Act. If a proposal involves work subject to both Section 10 and Section 404 jurisdiction, a single Department of the Army Permit review will be carried out. The Resource Manager at the La Crescent field office will provide information and necessary application materials for a Department of the Army Permit at the time the application for a Shoreline Use Permit is obtained.

6.03 REAL ESTATE OUTGRANTS

Private facilities or activities in support of boat moorage which involve grades, cuts, fills and other changes to the landform and/or land based support facilities such as storage buildings and stairways, are not authorized under a Shoreline Use Permit, and will require a real estate outgrant.

6.04 STATE AND LOCAL PERMIT REQUIREMENTS

A Shoreline Use Permit, Real Estate Outgrant, or Department of the Army Permit does not obviate the necessity of obtaining State or local assent required by law for the construction.

operation, or maintenance of the permitted facility. Applicable laws and regulations of State and local governments shall apply to the activities undertaken by the public on Corps lands and compliance shall be a condition of the shoreline permit. Violation of state and local laws may result in revocation of the Shoreline Use Permit.

7.0 APPLICATIONS

Application for all shoreline use permits, outgrants, and Department of Army Permits for private recreational facilities or activities on Corps lands, will be made to the Resource Manager at the LaCrescent Project Office, 33 South Walnut Street, LaCrescent, Minnesota 55947.

7.01 PRELIMINARY REVIEW

The Resource Manager will make a preliminary review of all requests for a shoreline use permit. Prior to release of the application package, the LUAP and the Shoreline Use Zoning will be reviewed to determine compatibility of the Shoreline Use Permit applications with management objectives. In the event that the proposed activity or development is not within a designated "LDA," the application for a Shoreline Use Permit will be denied at the field level, unless it is a renewal of an existing permit.

7.02 APPLICATION PACKAGE

If the proposed shoreline use appears to meet the criteria for a shoreline use permit, an application package containing necessary Corps forms will be provided by the Resource Manager. If the application for a Shoreline Use Permit is acceptable, and all other Corps requirements are fulfilled, a Shoreline Use Permit will be issued by the Resource Manager. Placement of private facilities on Corps of Engineers lands will not be allowed until the applicant has been issued all necessary Federal, State and local authorizations. The applicant is responsible for obtaining all authorizations outside of the Corps. If the application is denied, the denial will be documented with copies of the denial furnished to the District Office, the State involved, and the applicant.

7.03 PROPOSED FACILITIES SITE PLAN

A drawing of the proposed facilities must be submitted by the applicant for review and approval, as part of the Shoreline Use Permit application. Sufficient information must be provided to allow a comprehensive review of the proposed actions. At a minimum, detailed site plans, construction timing, and any other pertinent data the applicant believes would aid in the review should be submitted. An initial inspection of the proposed Shoreline Use Permit site will be accomplished by the LaCrescent project office staff.

8.0 INSPECTIONS AND REVOCATION

8.01 COMPLIANCE

A Corps representative will periodically inspect the construction or activity to insure compliance with the terms of the permit or license. In the event that the construction or activity does not conform to the approved plans, work will be promptly halted until such time as those conditions are met. Failure to comply with the terms of the permit or license will result in revocation, with the structure to be removed by the owner. Failure to remove the structure or use within 30 calendar days, or by an otherwise designated date after written notice will result in removal by the Corps with the permittee being billed for the removal cost incurred by the Government. Enforcement actions will be carried out in accordance with current regulations.

8.02 REVOCATION

Inspections for compliance with the conditions of the Shoreline Use Permit are the responsibility of the Resource Manager. Any noncompliance with the provisions of the permit, such as failure to properly dispose of solid waste in accordance with applicable State and local laws; causing visual pollution such as abandoned watercraft, debris, and junk; any unsightly item that presents an environmental intrusion; and safety violations and hazards, will be corrected at the field level. In the event that these noncompliances cannot be resolved at the field level, recommendations for revocation of the permit will be promptly forwarded, through channels, to the District Engineer for action.

8.03 APPEAL RIGHTS

In the event that a Shoreline Use Permit for a private facility is revoked, certain appeal rights are available to the permittee. By giving 30 days written notice, either by certified or registered letter, return receipt requested, the District Engineer or his/her authorized representative may revoke a Shoreline Use Permit whenever it is determined that the public interest necessitates such revocation or that the permittee has failed to comply with the conditions of the permit. The revocation notice shall contain the reasons for such action. If within the 30-day period, the Shoreline Use permittee requests a hearing, in writing, the District Engineer shall grant such a hearing at the earliest opportunity. 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, return receipt requested. The permittee may, within five 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, return receipt requested. The permittee may, within five 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 administrative appeal may be taken. If, in the opinion of the District Engineer, emergency circumstances dictate otherwise, the Shoreline Use Permit may be summarily revoked.

9.0 DURATION AND RENEWAL

The shoreline use permit may be issued for a one to five year period depending on what is most convenient for the permit applicant, but in no case will it exceed five years. Prior to the expiration of the Shoreline Use Permit, the permittee will be required to submit a renewal application should that person desire to continue to hold private exclusive use privileges. A renewal notice will be sent by the Resource Manager to the permanent address of the permittee to inform them of an upcoming renewal, but only existing permit holders will be notified. If private property adjacent to Government land is sold and the new owner wants to obtain a Shoreline Use Permit, it is his/her responsibility to contact the Resource Manager.

10.0 TRANSFER OF SHORELINE USE PERMITS

Shoreline Use Permits are non-transferable; however, a permit for an existing authorized dock may be applied for by a new owner of property adjacent to Federal property or by other interested persons.

11.0 FEES

Fees will be charged in accordance with a fee schedule provided to the St. Paul District from the Office of the Chief of Engineers (OCE). The current fee schedule is shown on attachment 2. The total fee will be collected when the permit is first issued. Refunds will not be issued for any reason.

12.0 ENFORCEMENT

Title 36, Part 327 of the Code of Federal Regulations, provides that structures, property, or activities that are unauthorized, or in violation of their licenses or permits, will be subject to enforcement actions ranging from the issuance of citations (with fines) to summary removal.

13.0 BOATHOUSES

Existing legally-authorized boathouses will be grandfathered in accordance with the provisions of paragraph 5.02 of this plan, regardless of their current location. Permits for new boathouses will not be issued in any area. Human habitation of such structures is prohibited (reference Title 36, Part 327.22, Code of Federal Regulations). Floating cabins are not permitted.

14.0 ONE YEAR GRACE PERIOD

Owners of unauthorized structures have one calendar year from the date of approval of this plan to apply for designation as a Grandfathered Area and/or apply for a Shoreline Use Permit. In addition, individuals who do not have a dock but can document that a dock was authorized in the past, or can document that they applied for a permit/license during the moratoriums, may apply for designation as a Grandfathered Area and/or apply for a Shoreline Use Permit within one calendar year of approval of this plan.

15.0 LEASED AREAS

Four existing public recreation leases allow local governments to authorize private recreation structures on Corps-administered lands and waters. These areas are:

- a) City of Alma - pool 4 (expires 2002)
- b) Buffalo City - pool 5 (expires 1990)
- c) Brice Prairie Township (Lake Onalaska) - pool 7 (expires 1990)
- d) Guttenberg - pool 10 (expires 1997)

When these leases expire, either the Corps will assume administrative responsibility over the individual private docking structures located in these areas, or the local governments may retain the leases provided that they agree to comply with this plan. There are several exceptions to compliance, one being the fee schedule and another being enforcement procedures. In addition to compliance with the plan, the lessee must also agree to annually provide the Corps with a list of current dock owners.

16.0 RELOCATION OF EXISTING FACILITIES

At some locations it may be desirable, by either the Resource Manager or the permittee, to relocate an individual private docking structure. The goal for relocating is to remove docks from undesirable locations, such as where there is only the one dock in an area, an excellent wildlife habitat, or poor land/water access. Movement of a dock will be mutually agreed upon.

17.0 SIZE, SPACING AND DESIGN CRITERIA

Size, spacing, and design criteria will be applicable to all new structures in the Limited Development Areas. New docks will generally be restricted to be between three and six feet wide, no longer than 100 feet from the shoreline, not to exceed 600 square feet, and no closer than 50 feet from the next nearest dock. Width of docks will be measured at the widest point, and distance between docks will be measured from the two nearest points. As stated in paragraph 3.02, a variance may be authorized by the Resource Manager if site specific circumstances warrant deviation from the criteria. For further clarification refer to Attachment 4, page 4-6.

18.0 PERMITTED SUPPORT FACILITIES

18.01 RETAINING WALLS AND EROSION CONTROL

A Real Estate Outgrant is required for the construction of retaining walls that are above the ordinary high water mark. Retaining walls and fill to level out yards or to increase the size of yards will not be authorized. Construction of retaining walls, filling or excavation of any property which is below the ordinary high water mark or in wetlands, requires a Department of the Army Permit, and appropriate State Department of Natural Resource permits, as well as a Real Estate Outgrant if the structure is permanent. Shoreline protection should be simple in nature, such as riprap, and should not impart the appearance of private ownership.

18.02 STAIRWAYS AND STEPS

Stairways or steps that require a change in the land form may also be authorized by a Real Estate Outgrant. Building materials shall be of metal, wood, or stone or similar material that can be removed if required. Massive placed concrete or mortared block, brick, or stone structures will not be permitted. In the event that such masonry structures are currently in place and covered by a Real Estate Outgrant, they may be allowed to remain in place and must be properly maintained, but may not be expanded or raised. All steps and stairways, if painted, will be painted a neutral color so that they will blend into the natural background. White, yellow, orange, or other high visibility paints or coloring will not be used. All steps or stairways constructed of a floatable material shall be firmly anchored in place. Trees shall not be used as anchoring devices. No stairways or other structures will be permitted where the slope exceeds 50 percent (1 on 1 slope) due to potential erosion problems created from construction or use. A variance may be approved by the Resource Manager if erosion problems can be minimized.

18.03 TROLLEY WAYS AND TRAMWAYS

Trolley ways and tramways will be authorized only if a dock owner is confined to a wheelchair, is permanently incapable of

walking without the aid of crutches, or has a physical impairment that precludes normal walking. In all cases other than one's being confined to a wheelchair or the use of crutches, a doctor's certificate will be required to explain why normal walking is not possible. Real Estate Outgrants for these structures will be for a one-to-five-year period and will be valid only during the life of the handicapped member or until such time as his/her dock permit expires.

19.0 PUBLIC INVOLVEMENT FOR AMENDING THE PLAN

In the case of minor changes in the plan, news releases and/or newsletters will be issued informing the public of proposed changes, along with a 30-day comment period during which concerned governments, agencies, organizations or individuals may provide a written response. If more significant changes are proposed, a public notice and/or newsletter will be issued announcing the changes and dates of upcoming meetings, or at a minimum would give the public the opportunity to request a public meeting.

ATTACHMENT 1
LIMITED DEVELOPMENT AREAS

Pool / Area Name	Allocation	Limits of Area
4/Beef Slough	Rec/Low Density	All of Rec/Low Density area
5/West Newton Chute	Rec/Low Density	Mile 748.2 to Mile 749.8
5/Buffalo City	Rec/Low Density	From Indian Point south to end of Rec/Low Density area.
7/Brice Prairie	Rec/Low Density	From halfway creek north to culvert
7/French Island	Rec/Low Density	From dike landing north to Nelson Park
10/Jays Lake	Rec/Low Density	From boat ramp north to include all of Rec/Low Density Area (excluding Rec/Int Use Area).
10/Willies Landing	Rec/Low Density	All of Rec/Low Density Area. Existing area not to be expanded.
10/Abels Island North	Rec/Low Density	All of Rec/Low Density area
10/Abels Island South	Rec/Low Density	All of Rec/Low Density area

ATTACHMENT 2

GRANDFATHERED AREAS

Area Name	Pool	State	Approx. River Mile	Number of Docks	Number of Boathouses	LUAP Land Use Allocation
Robinson Lake	4	MN	757	15		Wildlife Ngat.
Teepeeota Point	4	MN	757	16		Wildlife Ngat.
South of Nelson	4	WI	757	3		Wildlife Ngat.
Peterson Lake	4	MN	754	26		Wildlife Ngat.
L/D No. 4 Dike	4	MN	753	6		Wildlife Ngat.
L/D Number 4	4	MN	753	1		Wildlife Ngat.
Lower Spring Lake	5	WI	741-743	32	1	Wildlife Ngat.
Pritchard Lake	5	MN	747.5	15		Wildlife Ngat.
Weaver	5	MN	745	1		Wildlife Ngat.
Minnieska	5	MN	742	1		Wildlife Ngat.
Trout Creek (715)	6	MN	715	1		Wildlife Ngat.
Round Lake	7	WI	713	1		Wildlife Ngat.
Brownsville Bay	8	MN	691	19	18	Wildlife Ngat.
Stoddard	8	WI	687	2	2	Wildlife Ngat.
Lawrence Lake	8	MN	690	8	5	Wildlife Ngat.
North of Stoddard	8	WI	689	5	3	Wildlife Ngat.
Wildcat Creek	8	MN	688	31		Wildlife Ngat.
North of Shellhorn	8	MN	687	16	14	Wildlife Ngat.
Shellhorn	8	MN	686	1	1	Wildlife Ngat.
South of Shellhorn	8	MN	686	6	5	Wildlife Ngat.
Reno	8	MN	684	1		Wildlife Ngat.
Millstone	9	MN	676	1	1	Wildlife Ngat.
North of Lansing	9	IA	665	19	13	Wildlife Ngat.
Heytman's Station	9	IA	655.5	5		Wildlife Ngat.

Land Use Allocation Plan (USACE, 1983).

ATTACHMENT 3

FEE SCHEDULE

Administrative Fee (assessed each time a permit is issued)	\$10.00
Annual Inspection Fee (assessed each year)	\$ 5.00

Note: Permits may be issued from 1 to 5 years depending on applicant preference.

ATTACHMENT 4

APPLICATION FOR SHORELINE USE PERMITS ALONG THE MISSISSIPPI RIVER

U.S. ARMY CORPS OF ENGINEERS
ST. PAUL DISTRICT
MISSISSIPPI RIVER PROJECT OFFICE
33 SOUTH WALNUT STREET
LA CRESCENT, MN 55947-0287

Complete all appropriate portions of this application (both sides) and return to 33 South Walnut, La Crescent, MN 55947-0287.

NAME(S) OF APPLICANT(S)	AGENCY IDENTIFICATION NUMBER (Leave Blank - For Agency Use)	
STREET OR ROUTE	TELEPHONE NUMBER(S) (INCLUDE AREA CODE)	
CITY, STATE, ZIP CODE	BUSINESS TELEPHONE NUMBER(S) (INCLUDE AREA CODE)	
NAME OF LIMITED DEVELOPMENT AREA	APPLICATION IS FOR:	PROVIDE DRAWING ON BACK
		Check one or more
SECTION 484 REQUIREMENT Does the project require placement of any fill or rock in the water or on the shoreline? Yes <input type="checkbox"/> No <input type="checkbox"/>	DOCK <input type="checkbox"/>	STORAGE SHED LAND BASED <input type="checkbox"/>
SECTION 18 REQUIREMENT Will any structures, other than a dock not exceeding 500 sq.ft., be placed in or over the water? Yes <input type="checkbox"/> No <input type="checkbox"/>	BOATHOUSE <input type="checkbox"/>	STORAGE SHED - FLOATING <input type="checkbox"/>
	STAIRWAY <input type="checkbox"/>	SKIDWAY <input type="checkbox"/>
REAL ESTATE REQUIREMENT Will any structures be placed on the government land? Yes <input type="checkbox"/> No <input type="checkbox"/>	BOATLIFT <input type="checkbox"/>	RIPRAP <input type="checkbox"/>
	ROWING <input type="checkbox"/>	RETAINING WALL <input type="checkbox"/>
	WALKWAY <input type="checkbox"/>	OTHER (specify below) <input type="checkbox"/>
PERMIT DURATION 1 - 5 YEARS	NEW APPLICATION <input type="checkbox"/>	or RENEWAL <input type="checkbox"/>
Is any portion of the project constructed and in place? Yes <input type="checkbox"/> No <input type="checkbox"/>	If yes, when was it completed?	
ANTICIPATED STARTING DATE	ANTICIPATED COMPLETION DATE	
APPLICANT SIGNATURE	DATE SIGNED	

DRAWING OF STRUCTURES

APPLICANT TO PERMIT WORK ON
CHANNEL BANKS OF
NORTH BRANCH OF THE MISSISSIPPI
RIVER, MISSISSIPPI
SECTION OF THE MISSISSIPPI RIVER

SECTION OF THE MISSISSIPPI RIVER
SECTION OF THE MISSISSIPPI RIVER
SECTION OF THE MISSISSIPPI RIVER

ALSO LIST ADJACENT UPSTREAM AND DOWNSTREAM DOCK I.D. NUMBERS:

SECTION OF THE MISSISSIPPI RIVER
SECTION OF THE MISSISSIPPI RIVER
SECTION OF THE MISSISSIPPI RIVER

LEAVE BLANK	FOR AGENCY USE ONLY	
Does the application meet the conditions of general permit?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Has an on site inspection been made?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Comments from inspection:		
Recommended for approval?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Signature		Date
ID Number	Date Issued	Expiration Date

CONDITIONS OF PERMIT FOR SHORELINE USE

1. This permit is granted solely for the purpose described by the permittee on the application 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. 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.
4. 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.
5. 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.
6. This permit does not convey any property rights either in real estate or material; nor does it authorize any injury to private property or invasion of private rights or any infringement of Federal, State or local laws or regulation; nor does it obviate the necessity of obtaining Federal, State or local assent required by law for the construction, operation or maintenance of the permitted facility.
7. The permittee agrees that he/she 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, the permittee agrees that he/she 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 or aesthetics, and in a manner so as to minimize the degradation of water quality.

8. At such time that the permittee ceases to operate and maintain the permitted facility, upon expiration, unless a renewal has been applied for or cancellation of this permit, or upon revocation of this permit, the permittee shall remove the permitted facility within 30 days, at his/her expense, and restore the waterway and lands to their 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.
9. No houseboat, cabin cruiser, or other vessel shall be used for human habitation at a fixed or permanent mooring point.
10. No charge may be made for use by others of the permitted facility nor commercial activity be engaged in thereon.
11. Boat mooring buoys and flotation units of floating facilities shall be constructed of materials which will not become waterlogged or sink when punctured.
12. All facilities are subject to periodic inspection by the Corps rangers. If an inspection reveals conditions which make the facility unsafe, or aesthetically offensive, 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.
13. 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 shoreline. Anchor ropes or cables shall not be attached to live vegetation.
14. The permit plate provided shall be posted on the facility or on the land areas covered by the permit so that it can be visually checked with ease from either land or water surface in accordance with instructions of the Resource Manager.
15. No private fencing is allowed on government property.
16. Removal of aquatic vegetation is allowed in an area not to exceed 50 square yards, immediately adjacent to the permitted structure. This vegetation must be cut mechanically, may not be chemically controlled, and may not be disposed of in the water or on the shoreline but must be taken to an upland site for disposal.
17. The use of pesticides to control vegetation such as poison ivy must be approved in advance by the Resource Manager. All pesticide application must be in compliance with the product label and all pertinent laws and regulations.
18. The government encourages the planting and retention of native trees and shrubs on government-owned property for the purpose of bank stabilization and prevention of erosion provided these

plantings do not form a barrier to public access or interfere with the surveying of the government property line.

19. No live trees may be removed from the government property, however special consideration will be given to requests for removal of live trees which could endanger private property.
20. Live trees and underbrush may be trimmed to permit a view of the water and dead trees may be removed from the government property, however prior approval is required from the Resource Manager.
21. New owners of existing private recreational structures shall submit an application in order to receive authorization for the continued use of structure.
22. By 30 days written notice, mailed to the permittee by registered or certified letter, the District Engineer may revoke this permit whenever it is determined that the public interest necessitates such revocation or 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, return receipt requested. 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 administrative appeal may be taken.
23. Notwithstanding condition 22 above if, in the opinion of the District Engineer, emergency circumstances dictate otherwise, the District Engineer may summarily revoke this permit.
24. Construction of retaining walls for the purpose of erosion control on Corps property which are entirely above the ordinary high water mark, requires written permission from the U. S. Army Corps of Engineers. Retaining walls and fill to level out yards or to increase the size of yards will not be permitted.
25. Construction of retaining walls or other excavation of any property which is below the ordinary high water mark requires a permit from the U.S. Army Corps of Engineers and the appropriate state DNR. In order to gain approval, shoreline protection should be simple in nature, such as riprap, and will not impart the appearance of private ownership.
26. In order to gain approval for actions referred to above, please contact the Corps of Engineers Resource Manager, 33 South Walnut Street, Post Office Box 207, La Crescent, MN 55947-0207 (507) 895-6341.

